


A Basic History of the United States
VOLUME SIX



AMERICA:
FROM GRIDLOCK
TO DEADLOCK
1985-2001

by
Clarence B. Carson



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Clarence B. Carson

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Basic Economics
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Basic American Government
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Clarence B. Carson

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Chapter 1

Introduction

The name of this volume was originally *America in Gridlock*, 1985-1995. It has been renamed *America: from Gridlock to Deadlock*, and five or six years have been added to make it cover fifteen years or so, from 1885-2000. It has been lengthened. Four chapters have been added to it; the glossary has been expanded, the index has been expanded to cover the material in the four new chapters, and a student's guide covering these four chapters has been added to the Teacher's Guide.

Some explanation of the words in the title is in order. Gridlock may occur when the roads into an intersection are so congested that none of the vehicles can move toward their destinations. This condition is also described as a traffic jam sometimes. The term may be used figuratively or metaphorically and used relatively rather than in an absolute sense. It is used here mostly to refer to a political situation. Political gridlock may be said to occur when opposing political forces are so arrayed against one another that little can be accomplished.

To go to deadlock is to suggest that things have come to a standstill. That is what happened in the weeks following the presidential election in 2000. The opposing parties were deadlocked over who won the election. Neither side was prepared to concede the victory to the other. That absolute deadlock was actually short-lived, but the closeness of the election of 2000 left the parties so nearly evenly divided that further deadlocks may be expected.

Of course, the country has not been literally gridlocked over the past fifteen years. All movement has not stopped; nor have all changes been stymied. On the contrary, much has been done: by individuals, by groups, by organizations, by companies, by churches, and even by governments. Technological changes of considerable moment have taken place; international trade has burgeoned; great political changes have occurred in many places around the world. Satellite transmissions have made communication around the world virtually instantaneous. Many new names and faces, emerge, and these changes will occupy our attention in what follows. Gridlock

and deadlock play their part particularly in the discussion of government and politics.

Due to the shortness of the time period covered, most of the chapters are not preceded by chronological tables. The last four chapters do not have any chronological charts. Where possible, however, events have been made precise by dates and other identifying characteristics.

Since this book covers only fifteen or sixteen years, whatever the case may be, it may be somewhat short of sweeping historical events. This is made up for by focusing down on the events that are given coverage. The ubiquity of journalism and television has made the longer view somewhat harder to maintain. Television deals with the instantaneous, the momentary, and the passing scene. It shifts quickly from one scene to another. Thus, it is necessary to struggle to attempt to gain or keep some historical perspective.

Chapter 2

The Philosophic and Religious Divide

Underlying and giving rise to the phenomenon of gridlock are assumptions, beliefs, and ways of discerning reality which divide us. Individuals often differ from one another in interesting ways, of course; all sorts of groups do as well. Religious denominations grew out of differences; so do schools of thought. Regions of a country each often have a flavor which distinguishes them from others. Indeed, differences abound in most times and places. Even so, historians often discern what they are sometimes pleased to call a *zeitgeist*, or a spirit of the times. Thus, they spoke of the Enlightenment in the eighteenth century, of Romanticism in the first half to two-thirds of the nineteenth century, and at least one historian wrote of the *Age of Materialism* in the latter part of the nineteenth century.

What we mean when we speak in that way is that in a particular era, century or age there are underlying assumptions which inform how we see, think, say, and do things. A sort of consensus develops and holds sway in a society and even a civilization for some extensive period of time. It gives its character to the literature, the music, the religion, the culture more generally, the politics, and the produce of an age. When the assumptions hold sway they are rarely questioned or even closely examined. The differences, when they lead to disputes, arguments, or debates, will usually be conducted within the prevailing assumptions. The assumptions are not usually thought of as opinions, ideas (subject to change), or even beliefs. They are, to most people in that time, simply the way things are.

What is happening in the decade under consideration is that the assumptions that have held sway—at least in public affairs—are losing their hold. Meanwhile, new assumptions now struggling for acceptance have not yet gained that dominance that would make them determinative. The result is gridlock at several levels. The contest going on is most readily recognizable as being between liberals and conservatives, but it is the purpose of this chapter to suggest and show that it lies deeper than that.

The Outlook That is Losing Its Hold

There are several strains of ideas that have held sway to greater or lesser degree in the United States and much of the rest of the world for some while now. Together they comprise the spirit or outlook that is in our wake now, but still has great influence on us. We will examine several of these strains, not necessarily in the order of their appearance on the scene or their importance.

1. Materialism

This is part of an outlook that began to gain hold in the middle of the 19th century, if not before, and has now become so deeply ingrained in our beliefs and ways of looking at things that it is almost second nature to us. In philosophy, materialism is the belief that matter—that is physical things, flesh and blood, bodies, discernible objects, materials of all sorts—is not only real, but that it is ultimate reality, that it is of ultimate importance.

Materialism, at least the kind that has gained hold on us, is usually humanistic as well. That is, it is humanistic to the extent that it tends to hold human beings and human life to be ultimately the most important of things. Human beings are the be all and end all of reality for humanists. The material well being of human beings is ultimate and final.

Karl Marx, as noted in an earlier volume, championed matter as ultimate reality. He developed a theory described as dialectical materialism which purported to account for what has and will take place in the course of history. Thus, Communism has been a materialistic ideology. Socialism in general is a materialistic ideology, though not all are as crudely so as Communism. It is through socialism that materialism has spread and gained much of its hold on our minds. Materialism is a this-worldly outlook. Whatever is to be accomplished will be accomplished in this world, and whatever fulfillment man is to attain will be in this world.

Most basically, however, materialism is the view that the material alone is real. The mind, if it exists, is coextensive with the brain.

Food, covering, and shelter are necessities, along with perhaps some other amenities. The physical body and its drives or appetites are the main concern of materialists. Physicians and surgeons are the only doctors that matter to materialists, for they deal with the health of the body. Materialists rank medical care very high indeed. Longevity of life is of great concern. Government under the sway of materialism has as its main concern the material well being of the populace. This is especially the case where materialism is linked with democracy. Materialists are apt to attach great importance to diet, to physical fitness, to environment, and the like.

The above is not meant to suggest that the material is of no importance or that the physical is of no account. On the contrary, we are indeed physical beings with material wants and subject to disease and suffering, which we may wish to avoid. No doubt, attention must be given to the supplying of our wants. Materialism is not however, simply the recognition of these wants, it is the giving of primacy to them to the exclusion of much else. It is according them the status of utmost importance.

2. Irrationalism

The sway of materialism in mid-twentieth century America would be difficult to refute. The welfare state is the prime exhibit among proofs. It was the result of the focus of government efforts from the 1930s through the 1970s and beyond on redistributing wealth so as to attend to the material well being of portions of the populace. Some of this government effort was devoted to mental growth by way of education, but even there the material and social side received much of government attention. The spiritual or religious was rigorously excluded from government benefits. Materialism was greatly assisted by the government interest.

Another strain in the outlook of the early and mid-20th century was the focus upon the irrational. This part of the outlook had its roots in the nineteenth century as well, particularly in the works of Sigmund Freud and other or related schools of psychology. Indeed, modern psychology has focused almost exclusively on the irrational or non-rational aspects of thought and behavior. It has focused upon the subconscious, the drives, the urges, dreams, fears, angers, repres-

sions, and longings. If man is rational, it has largely escaped the attention of modern psychologists. In fact, what passes for reason is often identified by them as rationalization for some suppressed desire, longing, or feeling.

In consequence, the spread of psychology and the habits of psychologizing in the 20th century have resulted in the neglect of reason and focus on the irrational. This has often left the individual at the mercy of mob psychology, which is what group irrational opinions tend to become. Irrationalism makes possible all sorts of beliefs, practices, and movements. It can even validate feeling as a kind of measure of all things. When reason has no sway, there is no human means of countering ideas, however unwarranted and irrational they may be. And if the human is the highest there is, there is no authority to which to appeal. There is only force and numbers.

Among the offspring of irrational psychology to gain hold over the past decade is sensitivity training. It is prescribed for those who are discovered to have racial or ethnic or sexist "prejudices." The "politically correct" view is that any uncomplimentary description, especially any slang-like slurs, of any minority group, including women, is prejudicial expression which should be punished or eradicated. On this view, sensitivity training, preferably administered by members of the affronted minority, should be inflicted on the perpetrators. The training would consist of subjecting the offenders to uncomplimentary ideas about themselves so as to sensitize them to the feelings of others.

The emphasis upon feeling, emotion, attitudes, states of mind, and the like, is the offshoot of irrationalism. Socialism and the welfare state are based on a fundamental flaw which is itself irrational. It is that justice is achieved by taking goods from those who have produced them and distributing them to those who have produced nothing to trade for them. This spawn of irrationalism evinces itself in the graduated income tax and every tax that is unequal by way of a means test.

How far the irrational may go was well illustrated in the O. J. Simpson trial and jury verdict in 1995. O. J. Simpson, a famous football player and later model in advertising and minor actor, was accused of the brutal murder of his former wife, Nicole Brown Simpson, and Ronald Goldman, who apparently happened to be in

the wrong place at the wrong time. So far as is known, the killer(s) was the only surviving eyewitness of the murders. Even so, there was an abundance of evidence that linked O. J. Simpson to the murders. He had the opportunity; that is, he was in the vicinity when the murders occurred. He may have been motivated by his resentment of her promiscuity. He had a history of threatening behavior and physical abuse of her. An unusually large amount of circumstantial and indirect scientific evidence linked O. J. to the crimes: the bloody trail of bloody footprints from the scene, blood on his vehicle, on clothing, on gateways, and so on. No other suspect has ever been located, and no one else was charged in the case. O. J. did flee from the arrest and led police on a lengthy chase. Simpson did not testify in his own defense, nor was any credible witness ever found to testify that he was elsewhere at the time of the murders. Whereas, uncontradicted testimony placed him at his home (which was in the vicinity of the murders) just before and just after the murders.

After months of compelling evidence against the defendant, the jury took only four hours to conclude that O. J. Simpson was not guilty. Several jurors, when questioned outside the courtroom, claimed *reasonable* doubt as to his guilt. Judge Lance Ito, the presiding judge, had allowed evidence that one of the police witnesses, Mark Fuhrman, was racially prejudiced. In their cross-examination, the defense attempted to twist evidence of police carelessness into a case for the blood evidence against Simpson being tainted. Also, they implied that evidence was planted by the police. No facts of actual tainting or planting was ever brought before the jury. If such factual evidence had been introduced and allowed to stand, it might have been racially motivated. As it was, the alleged reasonable doubt was at best irrational. Reason dictated a guilty verdict. Irrational feelings produced a not guilty decision. In the ensuing discussion following the verdict much was made of the fact that the jury was predominantly black, that O. J. Simpson was black, and that the two persons murdered were white. Be that as it may, it is the low standing of reason generally that makes such decisions likely.

The truth is that reason has been given short shrift generally in what passes for education in the 20th century. Philosophy courses have long since been driven from most high schools and little re-

mains of it in colleges and universities. Logic is no longer much taught. Not only are the young not taught to reason (if that is possible), but even more crucially they are not required to reason, to test statements for their reasonableness, nor rewarded for reasonable presentations or punished for their irrationalities. In consequence, they do not get a clear view of the order in creation. For good reason, of course, for it would bring them perilously close to the Creator.

3. Statism

Statism is the ideology based on the power of the state. It is, not to put too fine a point on it, the worship of the power of the state. Rulers, in other times, have been thought of as possessing god-like powers and have sometimes been thought of as the fathers of their people. In the 19th and 20th centuries, an abstract idea called the state, or government, has assumed the powers of providing for the well being of people under them. To that end, great powers are concentrated in the government. It is given the power to tax away much of the wealth of the populace and to disburse it so as to take care of the wants and needs of people under it.

Government is assumed to have great compassion, to possess almost magic powers to do what people in their private and individual powers cannot do, and to have wisdom beyond such as any single man might possess in establishing justice and right. Statism has only been indirectly advanced in the United States. Americans do not openly proclaim statism and worship its power. Yet we came to be more and more dependent on government over the past seven decades. Great power has been concentrated in the United States government; the wealth of the country has poured into its coffers. And we look to the Federal government as if it could supply all our needs.

4. Democratism alias Collectivism

What authenticates and vindicates this political system for many appears to be the belief that the United States is a democracy. Those who govern proclaim democracy; the sentiment that it prevails, or

should, in the United States is ratified by the teachers, preachers, journalists, the media of communication, and by most who pronounce on such things. More, the United States has been for some time committed to spreading democracy to lands in which it is not now established.

Simply defined, democracy means rule by the people. What the Greeks, who invented the notion, meant by democracy was direct rule by those entitled to vote. To that end, the citizens might meet in a body to decide questions affecting the city-state. The practice was not much admired by the great political thinkers of Classical Antiquity, and only the idea survived the decline of Greek civilization. Nor did modern political thinkers of the 16th, 17th, and 18th centuries think more highly of democracy. Though the New England colonies had a version of local democracy in their town meetings, the makers of the United States Constitution did not see fit to establish a democracy. So far as they considered it, they thought the country was too large to assemble the voters in one place, and that if it were practicable it would still not be a good way to arrive at thoughtful and reasonable decisions. Instead, both nationally and in the states, the Americans established representative governments which they described as republican in form.

Even so, by the end of the second decade of the 20th century the United States was well on its way to establishing what might more appropriately be called democratism. That is, it was well on its way to having an ideology or faith or religion of democracy. It still did not have a direct democracy, but changes in practice and in the Constitution had moved the country in the direction of democracy. The electorate was greatly expanded both by the legislative removal of property restrictions on voting and by the ratification of the 15th Amendment in 1870, and the 19th Amendment in 1920. The 17th Amendment ratified in 1913 provided for the direct election of Senators. After the Civil War, all states had provisions that members of the Electoral College, which elects the President, be popularly elected. Presidential primaries now usually determine the party candidates for President and while the November popular vote is technically for electors state by state, in practice it determines who will be President. Opinion polls which become more and more

numerous, frequent, and varied in their techniques, add to the democratic appearance of our government.

It is democratism as a religious-like faith, that underlies the thrust toward a more democratically controlled government. It is democracy as a secular ideology, the ideology which treats "democracy" as if it entailed equality, all sorts of rights and privileges, the belief in the dignity and worth of the individual, an attachment to the experimental method of science, and as well as a way, of course, of making political decisions. It was John Dewey, more than anyone else, who made this muddle of democratism. He made it the highest value in the society, as far as he, and many who have followed in his path were concerned. That is why it should be called democratism; that suggests a faith beyond questioning and reasonably examining it.

"Democracy," in common usage, is not far from being a synonym for social democracy. Social democracy is a phrase used widely in Europe to describe democratic socialism. But since American socialists do not usually identify themselves as such, they often call themselves liberals and sneak in socialist programs under the guise of democracy. This is especially the case when Americans work to set up and support democracy in foreign lands. They also export welfare state programs which derive from the socialist vision. Thus, democracy becomes a cover for socialism.

In the United States the thrust to democracy has also been the thrust of collectivism. All group activity is more or less collective. When group activity is given preferred status, it is on its way to becoming collectivism. Democracy is a collective mode of decision making. When democratism prevails, democracy has become a positive good to be sought and extended. Collectivism, in the 20th century usually some variety of socialism, is the result. The group is usually preferred over the individual, and they are frequently given preferential treatment. Labor unions have been a prime example in the United States.

5. Other Strains in the Fading Outlook

Progressivism has been a prominent strain in the outlook that prevailed for much of the 20th century. It was especially in vogue in

the earlier part of the century. Progressivism is the ideologizing or politicizing of the idea of progress. That idea has been around for several centuries, at least, and is essentially the view that things are improving. Two developments gave great impetus to the idea of progress. One was the great spurt of inventions in the 18th and 19th centuries. The inventions and technologies which applied them gave obvious evidence that progress, of sorts, was taking place. The theory of evolution gave less visual evidence of progress but probably had greater impact. Darwin's evidence of evolution within species and hypotheses about the origin of species had a profound effect on many of his contemporaries. What was implied in the evolutionary claims was that higher and higher levels of life had evolved over great spans of time. This was a grand, or at least grandiose, course of progress.

Progressivism is an ideology of progress, a view that progress is taking place generally, that the latest is the best, and that just about any movement is progress. In politics, the idea got attached to reform-though it was also more conservatively applied by some against reform. Reformers, especially those of a socialist turn, used progressivism to give an aura of improvement to their programs. Anyone who opposed them was castigated as backward and reactionary. If the latest is the best, then their innovations are the latest and therefore the best. Progressivism could be, and was, applied in all sorts of other directions as well.

Darwin's theories of biological evolution gave rise to another related strain in the outlook that has prevailed for much of this century. It is Naturalism. Naturalism is the view that arises from the belief that man is just another animal in the stream of evolution. In *The Descent of Man*, Charles Darwin claimed that man had descended from lower animals. Man was not created, nor, if Darwin be accepted, was there any longer any need for there to have been a Creator. The logical conclusion from this was that far from a little lower than the angels man was only a little higher than the apes—perhaps. That part of the environmentalist movement which is so deeply concerned with the animal kingdom and, indeed, all of living things, is an offshoot of naturalism.

Secular humanism knits many of these strains together. It is a secular religion that tries to give man a high place in a world without

God. It elevates the human to high status without any foundation to rest upon. One of its best known products is the alleged “human rights” people are supposed to possess. The Founders of the United States generally believed that man has rights, but they believed them to be *natural rights*. That is, they were rights, as Jefferson said, resting on “nature and nature’s God.” They were bequeathed to man by the Creator. Secular humanism leaves God out of the equation. It is a religion of man without God.

Most of these strains listed above may be more cogently linked together by socialism, and especially by Marxian Communism. Marx was a committed materialist, as already noted, the propounder of a system based on the irrational premise that the state would wither away, whereas under Communism the state gained new standing and power. Social democracy was the primary creed Marx and his followers proclaimed. The Bolsheviks (the majority) who brought off the Bolshevik Revolution were one branch of the Social Democrats in Russia.

If secular humanism was an earthly substitute for transcendental religion, pragmatism was the American substitute for philosophy in which all truths were held to be relative. Pragmatists not only accepted relativism as the rule but maintained that they could operate very well, thank you, without truth, which they preferred to refer to as “absolute” truth. They would operate on the basis of what worked in practice. Why anything would predictably work, if there were no laws, no absolutes, and no underlying order in the universe, they never got around to explaining.

In any case, relativism enjoyed quite a season in the 20th century, at least in academic circles. Relativism undoubtedly describes an aspect of our experience that at least has the feel of being valid. Much does appear to be relative to time, to place, and our angle of vision. Circumstances and situations do sometimes alter appropriate responses or reactions. If there is only time and the passing scene, that is, if there is no enduring and especially no eternal, then everything is indeed relative to everything else.

If there is, however, a Creator, an order in the universe, absolute truth, a transcendental God, then man is quite differently situated than if none of these exist. So saying, we come to the great divide, to

the assumptions, ideas and beliefs which now challenge the waning *zeitgeist*.

The Permanent Things

There has never been a time, of course, when a considerable number of people did not accept, or at least would not have affirmed, some or all of the underlying premises of the prevailing outlook during much of this century. Nonetheless, the outlook and many of the premises held sway in the colleges and universities, and still do. It informed the actions of politicians. The literature drew much of its sustenance from these premises. While the majority of Americans still professed a belief in God, religious belief was increasingly relegated to a private sphere. When prayer and bible reading was proscribed by the Supreme Court in the 1960s, the leaders of the main line denominations: Presbyterians, Congregationalists, Methodists, Disciples, Episcopalians, and the like, approved the move, even if many of their members did not. Above all, the secularist outlook pervaded American culture: the movies, the popular music, the textbooks used in schools and colleges, the theaters, sports, and the workplace. For a whole era, the temporal and changing, the material, the irrational, socialist premises, the belief in man, the celebration of the democratic and collective pervaded the land.

Even so, at worst the belief in permanent things did not entirely disappear. Here and there they survived as the belief in a transcendent God, in the order that subtly pervades His Creation, in the enduring, the eternal, the fixities, in natural law, in that which changeth not, in the spiritual as superior to the material. Priests, preachers, and rabbis always read about such things from the Scriptures to their congregations, and here and there people grasped them as truth. Some of those who grasped these truths ceased to accept that they were private matters and saw they must be publicly professed. The words of Jesus to those who would have him quiet the throng during his triumphal entry into Jerusalem bear upon this point:

And when he was come nigh, even now at the descent of the mount of Olives, the whole multitude of the

disciples began to rejoice and praise God with a loud voice for all the mighty works they had seen.

Saying, Blessed be the King that cometh in the name of the Lord: peace in heaven, and glory in the highest.

And some of the Pharisees from among the multitude said unto him, Master, rebuke thy disciples.

And he answered and said unto them, I tell you that, if these should hold their peace, the stones would immediately cry out. (Luke 19:37-40)

Men do not willingly keep great and joyous beliefs and discoveries to themselves. Rather, they tell others and spread the word of them abroad. More, they apply them to the warp and woof of their lives.

Now what follows is not primarily about the spirit of the times, or *zeitgeist*, as the reigning views of the first two-thirds of the 20th century were described. It is about the spirit of the eternal, not what appeared to men to be so for a season, but what claims to be true for the ages. These are the premises that underlay a seismic shift in this time. In the decade just past they have produced gridlock. To say that a shift from the material to the spiritual, from the temporal toward the eternal, from the irrational to reason and law, from the collective to the individual, the family, and the community has already taken place would be to claim too much. The most that can be affirmed here is that many premises of ancient lineage are being increasingly given voice in these days. The assumptions may not be as clear as the conclusions many are reaching or expressions they give to them. Some of the more deeply religious assumptions will not be affirmed by all who announce conclusions that depend upon them. Even so, they need to be.

So far as the present writer can determine the underlying assumptions of the belief in the permanent things are to be found in religious teachings. For example, the potentiality of man to reason can be affirmed without necessarily resorting to any religious affirmation of it. On the other hand, it appears to be the case that the full use of reason may be contingent on the affirmation of a creator God. In any case, the appeal here is to the Old Testament and New Testament of the Bible, which is to say, the Judeo-Christian teachings.

The Bible affirms that God is eternal:

Lord, thou has been our dwelling place in all generations.

Before the mountains were brought forth, or ever thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God. (Psalms 90:1-2)

In sum, God is permanency personified, as the Psalmist says, from everlasting to everlasting.

The other most fundamental premise is that God created all that is or was. What follows is the most direct account of it in all Scripture:

In the beginning, God created the heaven and the earth.

And the earth was without form, and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

And God said, Let there be light: and there was light....

And God said, Let the earth bring forth grass, the herb yielding seed, and the fruit tree yielding fruit after his kind, whose seed is in itself, upon the earth: and it was so....

And God said, Let the waters bring forth abundantly the moving creature that hath life, and fowl that may fly above the earth in the open firmament of heaven.

And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind: and God saw that it was good....

And God said, Let the earth bring forth the living creature after his kind, cattle, and creeping thing, and beast of the earth after his kind: and it was so....

And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

So God created man in his own image, in the image of God created he him; male and female created he them.

And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it....(Genesis 1:1-3, 11, 20-21, 24, 26-29)

There is much more in this account than may immediately meet the eye. It tells us not only that God was the Creator but also that there was a design in creation. More, it tells us that there was an intelligence back of the creation and an order implanted in it. For example, seeds are in the fruit, and they are there to take care of the reproduction of the fruit from further bushes and trees. There is an order also in the creation: the plants first, so they might provide sustenance for animal life; then the live things of the sea and of the air; then the animals and insects of the land, and, finally, man to subdue and have dominion over the earth and the things on it. Contemporary questions by environmentalists and others about the place of lower life in the scheme of things are answered by the statement that man is to have dominion over the earth. Those in rebellion against God or who refuse to accept His precepts must wander around in confusion about such matters.

That man is created in the image of God is equally, if not more, momentous. It means that he can reason as God can, though man's reasoning powers are susceptible to flaws, as God is not. He has an intellect as God does. Man can discern at least a portion of the pattern, design, and order in the universe through his powers of reason. To be created in the image of God means, too, that man has a status in the hierarchy of being forever denied the lower animals. Man is, however, the creature; God is Creator. This affirms something that evolutionary theories do not explain.

Jesus repeatedly affirmed the supremacy of the spiritual over the material. He said, during the Sermon on the Mount:

Therefore, I say unto you, Take no thought for your life, what ye shall eat, or what ye shall drink; nor yet for your body, what ye shall put on. Is not the life more than meat, and the body more than raiment.
(Matthew 6:25)

Jesus goes on to say that this is unnecessary because God knows that people have needs for these things and has provided means by which they may be acquired. He continued:

Therefore take no thought, saying, What shall we eat? or, What shall we drink? or, Wherewithal shall we be clothed? ... for your heavenly Father knoweth that ye have need of all these things.

But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you. (Matthew 6:31-33)

On another occasion, Jesus met a Samaritan woman at a well and talked with her. She was greatly impressed by how much Jesus knew and asked him whether she should worship on the mountain or in Jerusalem:

Jesus saith unto her, Woman, believe me, the hour cometh, when ye shall neither in this mountain, nor yet at Jerusalem, worship the Father....

But the hour cometh, and now is, when the true worshippers shall worship the Father in spirit and in truth; for the Father seeketh such to worship him.

God is a Spirit: and they that worship him must worship him in spirit and in truth. (John 4:21, 23-24)

On a similar theme, Jesus said:

It is the spirit that quickeneth; the flesh profiteth nothing: the words that I speak unto you, they are spirit, and they are life. (John 6:63)

Undoubtedly, this emphasis upon the spiritual is a theological position. It is theological in that it is most fundamentally about the nature of God. It is at the heart of the Christian religion also. Jesus told Nicodemus that unless he be born (again) “of the Spirit, he cannot enter into the kingdom of God.” (John 3:5) It is probably an error to “thingify” this idea giving it the character of an event. It is the coming alive to the spiritual side of reality, to its superiority to what is seen, felt, heard, smelled, and tasted. But the concept is also a philosophical one, or capable of being made one. Thus, it may enter into our discourse about the way things are and may become. It is here introduced as a counterweight to the idea of materialism, which has been so dominant in the 20th century thus far.

Among the permanent things is another important idea providing for fixities. It is the belief in natural law. It is the belief that there are laws to be found by studying the nature of things. The natural law brooked large in the thinking of many of the Founders of the United States. But belief in natural law goes back much earlier than that and has a long and varied history. It is usually discovered by believing or understanding that there is an underlying order in the universe.

There are intimations of this order and these laws in Scripture. For example, these found in the 19th Psalm:

The heavens declare the glory of God; and the
firmament sheweth his handiwork.

Day unto day uttereth speech, and night unto
night showeth knowledge.

*There is no speech nor language where their voice
is not heard.*

Their line is gone out through all the earth, and
their words to the end of the world. In them hath he
set a tabernacle for the sun....

The law of the Lord is perfect, converting the
soul: the testimony of the Lord *is* sure making wise
the simple.

The statutes of the Lord *are* right, rejoicing the heart; the commandment of the Lord *is* pure, enlightening the eyes....

Moreover by them is thy servant warned; and in keeping of them there is great reward.

It is clear from the context that the psalmist is talking about the order in the universe. He is speaking of the created universe: the heavens and the firmament. Thus, when he speaks of the law of the Lord, the statutes of the Lord, and the testimony of the Lord, he is speaking of the laws found in the order within the creation. It is not so clear about the commandments, for God's commandments can be found in Scripture. But for those who believe that God created the firmament (the earth), it is equally certain that he imbedded his laws in it.

For those who perceive an order in the universe, who use reason to discover it, and accept laws above man's power to alter or devise, there is an authority above and beyond the voice of the people. The majority may decide who is to govern, and appropriately so, but they do not determine what is true, nor what is right, nor much else.

The Divide

There is a divide in underlying assumptions that has been opening up over the past two or three decades in the United States, and it is on its way to becoming a yawning gap. Those who cling to the receding *zeitgeist*, who are more or less materialists, socialistic, irrationalists, statist, democratists, collectivists, progressivists, secular humanists, Darwinists, and relativists are now confronted by those who are guided more or less by such underlying assumptions as the primacy of the individual, the family, and the community, that God is the Creator and man the creature, that there is an order in the universe governed by universal laws, that there are indeed fixities and unchanging truths, that the spiritual is superior to the material, that man is capable of reason, and what has survived through the ages has stood the test of experience and should not lightly be set aside.

Not all these points are mutually exclusive, of course. Both the material and the spiritual may be accorded place and status. Many might agree that man is capable of reason but also given to irrational doings as well. So it is that both the changing and the permanent may be a part of our human landscape. Some things may be relative, others may be absolute. In some cases, where there is a will, a middle ground may be found.

But there are also beliefs and assumptions that are mutually exclusive, practically if not absolutely. Equally important, even when middle ground exists it may not be a live option for those who have priorities in their attachments. Assumptions work most effectively, too, when they are rarely, if ever, brought up for examination or debate. The divide is there, usually, when they come up for debate.

What really gives cogency and thrust to the divisions is when the force of government is placed on one side or the other. Men may live at peace with one another though they differ about many matters so long as neither (or none) of the sides uses force to achieve its ends. What has happened in the United States over much of this century is that governments have become more and more involved in people's lives. In the United States, the general government-the United States government-has claimed more and more of the power to govern. Much that was earlier left to the states or to individuals, families, and local communities, has been taken over by the central government. Differences did not mobilize people so much as long as most decisions were left to individuals, families, voluntary churches, and communities. The large number of states made possible differences over what was a matter for government intrusion, and what was not. But when underlying assumptions differ among major portions of the populations and these are matters on which the general government wishes to or has acted, difficulties arise. It has produced something like widespread gridlock in government.

To put the whole thing in a somewhat different perspective: the old consensus is breaking or has broken down. A new consensus has not yet clearly formed. The past decade has been a period of transitions transition, that is, if it transits to something else. In any case, many of our underlying assumptions quite often have us at loggerheads now.

Chapter 3

The Debacle of the Welfare State

Chronology

1984—Violent crimes, 1,213,280

1985—Federal food assistance payments, \$19 billion, \$851 million

1986—National debt passes \$2 trillion mark

1987—U. S. government expenditures exceeds \$1 trillion

1989—Publication of James Bovard, *The Farm Fiasco*

1990—National debt passes, \$3 trillion mark

1992—National debt passes \$4 trillion mark

1993—Violent crimes, 1,924,190

1994—Federal food assistance payments, over \$37 billion

1995—Divorces, 1,187,000

The Welfare State began to take shape under Roosevelt's New Deal in the 1930s. It received cabinet status in the 1950s under President Eisenhower, the first Republican elected to that office since the 1920s, by the creation of the Department of Health, Education and Welfare (later broke in two as the Departments of Health and Human Services and Education). It was greatly expanded by President Johnson in the 1960s, and remains in place with only minor alterations to date.

What is the Welfare State? It is that system of government benefits, privileges, entitlements, and bequests established for the United States from the 1930s to the present. There is a notion that "welfare" consists mainly of what was once called "poor relief." But it is much else, in addition to that.

The Welfare State is based on the premise that it is the responsibility of government to look after the material and intellectual well being of those under its dominion or authority. It might be supposed that only the aged, infirm, and others unable to do for themselves

would need help, but government welfare has been extended to people in virtually all walks of life. It should be noted, too, that while the Welfare State may be mainly the creature of the general government, states and local government have been deeply entangled and embroiled in it, both by mandates from the Federal government and by their own initiative.

The Welfare State is the creature of a great variety of government programs and activities. It got underway on a large scale in 1935 with the passage of the Social Security Act. That act not only made provisions for old age benefits for retired industrial workers but also a variety of other benefits to people in various conditions. It provided for grants to states to provide for old-age assistance for needy old persons, grants to states to set up unemployment compensation for persons temporarily out of work, grants to states for aid to dependent children, grants to states for maternal and child health services in rural areas and those suffering from severe economic stress, allotments to states for aid to crippled children and child welfare services, and grants to states to maintain public health services. The number of those covered by Social Security have been greatly increased over the years, and new programs have been added. For example, Medicare was added in the 1960s to partially cover hospital expenses and other medical services for those 65 years of age or older.

Medicaid, a government provided system of medical insurance, began to be provided in the 1960s for those who were adjudged unable to provide for themselves. The Agriculture Department provides a great variety of food services to those who claim to be in need of them, including: food stamps, school lunch programs, school breakfast programs, summer food service, nutrition for the elderly, food distribution to Indian reservations, emergency food assistance, aid to soup kitchens, and special milk, among others.

An assortment of Federal aid to farmers has been extended to or for farmers, some of it begun long before anything like the Welfare State had come into being. Some of it goes back at least to the Civil War, but that which fits most closely to the Welfare State did not begin until around World War I. Easy credit has been one of the main sources of welfare for farmers. The Federal Reserve Act, passed in 1913, opened the way for easy credit, especially to farmers. Federal

Reserve Banks were authorized to issue currency on the security of commercial and *agricultural* notes. Thus, more credit could be made available for farmers. A full fledged credit system for farmers was authorized by the Federal Farm Loan Act of 1916. A system of Federal Land Banks was organized under the above act to make long term (15 to 40 year) loans on farm land. Production Credit Associations were organized to make shorter term (up to 7 year) loans primarily to purchase capital equipment. The Farmer's Home Administration began to operate in the 1920s. It makes loans available to those who cannot qualify for them with other lending institutions. It makes loans to pay for farm land, houses, farm equipment, livestock, and so on. It is most clearly a welfare measure, because payments on its loans are adjusted to the ability of the borrower to pay. Most of this farm credit system is still in operation.

Farmers have also received a variety of other aid supposed to be for their welfare over the years. The Federal government began restricting how much land a farmer could plant to a particular crop in the 1930s by crop allotments. The purpose of this was to raise prices by reducing the supply of certain crops. Farmers were paid to participate in these programs. The prices of some products were subsidized by government. Some still are. At other times, the Federal government paid farmers not to plant crops on portions of their land. Farmers were paid to plant legumes to improve the soil and to take conservation measures. For example, in the early 1940s, the Federal government supplied Kudzu plants and paid farmers to set them out (thus starting the spread of Kudzu through much of the South).

Indeed, the subsidies, guaranteed loans, and grants made by the Federal government over the years are too numerous and varied to set forth here. Keeping up with grants and making applications for them is now the work of numerous experts and consultants. What follows is only a few examples that indicate something of how the Welfare State is entangled with American life and activities. Government guarantees F.H.A. and G. I. loans for buying houses and sponsors organizations which discount or rediscount these loans. It guarantees student loans, small business loans, commercial bank deposits, and savings and loan bank deposits. It gives Pell grants to college students, block grants to states, grants for water and sewerage systems in small towns and rural areas. Grants are made to

artists and scholars by the National Foundation for the Arts and Humanities, and to scientists and scholars by the National Science Foundation. The Federal government subsidizes the building of airports, subsidizes Amtrak in the operation of passenger trains, builds dams and other flood control projects, pays county agents to aid farmers, maintains national parks and forests, pays air traffic controllers, and so on and on.

The United States government has fostered welfarist programs in other countries with its long term foreign aid programs.

Many other welfarist programs could be named and described, but surely enough has been said to indicate why the United States may fairly be described as a welfare state. The main task here is to make clear in ways and to what extent the Welfare State is a debacle. We can do this best by focusing on the system as a whole rather than on individual programs. Looked at individually, some of the programs may be working well and accomplishing at least some of what they were established to do. Not all the programs are abject failures as many of the housing projects in many cities have been. It is only when we survey it whole that the debacle comes clearly into view. The whole, it appears, is even more than the sum of its parts.

The Financial Morass

In large, the Welfare State is a system for redistributing a considerable portion of the wealth produced in the United States. It takes that wealth from those who produce it and distributes it to the unproductive and productive according to government prescriptions with the claim that its distribution is more nearly just than it would otherwise have been or that it will accomplish ends that would not have been otherwise accomplished. The government does not ordinarily take the wealth in produce and hand out the goods to its prescribed beneficiaries. Instead, it takes the wealth by way of taxes and/or inflationary measures. It may also borrow some of the money that it redistributes. Government payments for work performed are not, strictly speaking, redistribution. In any case, ours is a money economy, and transactions, including those by government, usually entail a medium of exchange rather than the taking and redistribution of goods produced.

Thus, one way of looking at the Welfare State as near whole as can be is to look at government financial activity, realizing, of course, that not all these activities are chargeable to the Welfare State. The first thing to note is that the money taken by taxes by the government has increased over the years as the Welfare State has spread and grown. In 1936 (a good place to start because the Social Security Act was passed in 1935), the United States Treasury receipts were approximately \$3.9 billion. By 1940, they had risen to approximately \$6.5 billion. In 1950, they were over \$39.4 billion; by 1960, over \$92.4 billion; in 1970, they had risen to over \$192.8 billion; by 1980, U. S. Treasury receipts had reached over \$517.1 billion; by 1990, they had almost doubled to just over \$1 trillion (one thousand billion); and in 1994, they reached over \$1 1/4 trillion.

Even these ever growing huge receipts did not meet the demands of the government for funds. Outlays usually exceeded receipts in most years from the early 1930s to the present. When outlays exceed receipts, the difference is referred to as a *deficit*. When this becomes usual, the practice is called *deficit spending*. The government had deficits throughout the 1930s, usually in the \$2 to \$4 billion range. These were followed by huge deficits during World War II. The exceptions, when the government had a surplus instead of a deficit occurred in 1947, 1948, 1949, 1951, 1956, 1957, and 1960. There have been deficits every year from 1961 to the present. However, unlike receipts and outlays, growth from decade to decade has not been a steady pattern. Deficits rise and fall from one year to another. For example, in 1961, the deficit was over \$3.3 billion; in 1965, just over \$1.4 billion, in 1970, just over \$2.8 billion. Much larger deficits became frequent in the 1970s: over \$23 billion in 1971, over \$53 billion in 1975, and over \$73.7 billion in 1976. In the 1980s, however, the deficits entered into and remained in a larger size range. In 1982, for the first time in American history the deficit exceeded \$100 billion in a year. Not to be outdone, in 1983 it went over \$200 billion, and in 1986 it reached a new high of over \$221 billion. In 1992, the deficit reached a new all time high of over \$290.2 billion.

It should be noted that there have been a variety of contributing factors to the deficit over the years. The main explanation for the

large deficits during World War II was war expenses. The Vietnam War contributed to deficits in the late 1960s and early 1970s. The Cold War from 1947-1989 made government expenditures somewhat higher than they might otherwise have been. But something that has been going on through the whole period of these deficits without letup has been the Welfare State. Expenses and commitments to welfare programs have been generally on the increase over all these years. The Federal government has contracted large debts during all major wars. But after all these wars from the War for Independence through World War I, the debt was reduced to either inconsequential levels or was paid off entirely. This has not happened since World War II and the conflicts thereafter. The debt has continued to mount over the years since the early 1930s with no significant effort made to reduce it.

The government's own statistics tell the story dramatically. In 1930, the national debt reached \$16.1 billion; in 1940, it stood at \$43 billion; in 1950, \$256.1 billion; in 1970, \$370.1 billion; in 1980, \$907.7 billion; in 1985, \$1.8 trillion; in 1990, over \$3.2 trillion; and in 1994, nearly \$4.7 trillion. During the decade under consideration, the debt has nearly tripled, and it has gone swiftly up the plateau of multiples of thousands of billions of dollars.

The deficits and the debt provide statistical evidence of the debacle of the Welfare State. Granted, the debt was accumulated in part to pay the expenses of the Welfare State but there were other expenses as well over the years. But the Welfare State was responsible not only for many of the expenses and the mounting debt but also for the policy of deficit spending. Deficit spending became itself a welfarist measure from the 1930s down to the present. The deficits and mounting debt have been funded (so to speak, and rather loosely at that) by increasing the money supply (inflation). These increases of the money supply not only provide some of the money to finance the welfare programs but also provide a temporary glow of prosperity, which makes some people, at least, believe they are better off.

To see how this system works, it will be helpful to ask and answer some questions. First, how can the government keep running deficits year after year? How can the debt continue to grow year after year and decade after decade? Why does the government not go

bankrupt? The answer to the last question will also effectively answer the other two. Creditors of the government cannot make demands which the government cannot meet. The government can go deeper and deeper in debt because when any creditor presents a legitimate claim, the government can pay it. That is because government can bring the money into being to meet demands on it at any particular time.

The government can do this because the currency in use is paper money; it is fiat money, issuable by the will of those who govern. The government ordinarily increases the money supply by monetizing debt, and it prints however much currency is required to meet the requirements for currency. That is not to say that there are not consequences of doing these things. There are potential consequences at all times, and actual ones from time to time. The increase of the money supply decreases the value of the currency generally. In effect, the new money takes away some of the value of the money in circulation in order to obtain its equal value. Money is subject to the law of supply and demand just as other goods are. When the supply is increased, if everything else remains the same, the price, or value, of the money declines. The process is called inflation. Also, it will tend to be the case that the price of other goods will rise as the value of the currency falls.

A major consequence is that as the debt mounts over the years, the value of the money declines. That has been an ongoing process during the existence of the Welfare State. Take a simple example. When the Welfare State was initiated, the price of a postal card was 1 cent. It is now 19 cents. The price of a haircut for a man was 15 cents, at least in many places. It now costs 20 or more times that, depending on the shop and the service. So it has gone, though other things besides the supply of money may have an impact on the price of particular items.

So what?, some may say. It does not matter if the value of money declines, if people have that much more of it. The correct statement is that the decline in value of the money does not matter so much if income increases in proportion to the loss in value and money is only used in making exchanges for goods. But first, people do not all benefit or lose to the same degree when money is increased. Those who get and spend the new money earliest are apt to

get the greatest benefits from it. This is so because prices take some time to fall after particular increases in the money supply. Those who get the money and especially spend it later are the most likely losers. More to the point, money may serve other functions than as a medium of exchange. If its price does not change often or spasmodically, it may serve as a standard of value. That is, the values of other things are determined in reference to it. While it is not nearly as useful in serving that function as it might be, it still has some use in that regard. But it is in money's third function, as a store of value, that inflation has dealt the severest blow to the money. In an ongoing inflation, currency continually loses its worth; thus, money stored or saved continually loses its value. The Welfare State "taxes" the populace not only what they are more or less aware of but also what it sneakily takes away from the value of all money by inflation. Over the years of the Welfare State, government has by inflation taxed something on the order of 90 to 95 percent of the value of the money. It has virtually destroyed the value of the money.

The destruction of the remainder of monetary value is a potentiality waiting in the wings to become an actuality. The most likely scenario is that it will be accomplished by a runaway inflation. This occurs when the amount of money in circulation increases so fast that its value is discounted in the market even before the new increase takes hold. The huge national debt, and the even larger government guarantees and commitments, pose a continual threat of runaway inflation. The bottom could drop out of several markets simultaneously, so that the amount of currency would have to be so huge that it would drive the price down so swiftly that all confidence in the future value of the money would be lost. The resulting runaway inflation crash would not only wipe out the value of the currency but with it much of the accumulated private wealth in the country. Be that as it may, the exchange value of the currency has already been so reduced that we are almost in sight of a valueless currency with no runaway inflation having taken place. The debt and the deficits are -already beyond the will of those in government to control and are debacles of the Welfare State.

One other financial peril needs to be mentioned here, because it is at the heart of the Welfare State. As noted earlier, the Social Security Act was a major piece of legislation on the way to estab-

lishing the Welfare State. The centerpiece of that act, as it turned out, has been the payment of old-age benefits, now commonly referred to as Social Security. This program has never been on a sound financial basis. There are two, possibly three, reasons for this.

The first, and most obvious reason, is that it was a pyramid scheme from the outset. The benefits that would have to be paid out over the years always exceeded the amount that would be taken in for the fund. From the beginning, many, most, or all, of the early beneficiaries would receive more than they and their employers had paid in. They were at the top of the pyramid, so to speak. In the course of time, later beneficiaries would have to receive more than they had paid in. Eventually, the fund would be depleted. The government has thus far avoided this outcome by broadening the base of those taxed and promised benefits and increasing the rate of the tax. Initially, beginning January 1, 1937, covered employees were to be taxed 1 per cent of their wages; and covered employers were to be taxed 1 per cent of the wages of each of his employees. However, from January 1940 through December 31, 1948, the rate was to rise gradually to 3 per cent from both employee and employer.

It is conceivable that the initial rises in rates might have offset the built-in pyramid, but well before 1948, the second factor had kicked in—ongoing inflation, i.e., increases of the money supply followed by price increases. All along the way, mounting rises in prices have devalued the earlier Social Security taxes, dwarfing them by the later monetary benefits received. (It is grotesquely unjust to publicize calculations of Social Security taxes as if they were in dollars of unchanging value comparing them to benefits paid in dollars greatly devalued by inflation.) Minus the monetary inflation, it is quite possible that what the earlier taxed dollars would buy in exchange would have risen so much as a result of new technology and productivity increases that no rise in taxes would have been needed to provide promised benefits.

But of course the inflation continued apace over the years, and the base has been broadened over the years. Not only has the rate been increased more than seven-fold over the years from 1937 to the present but the coverage has been greatly expanded. Farm workers and farmers, originally excluded, were included eventually, as have been the self employed, teachers, all manner of professionals, man-

agers, and what not. More, the proportion of income that is taxed has been greatly increased over the years. In the 1950s, only a few thousand dollars of income a year was taxed. In the 1960s it rose to the first \$7,800, or thereabouts, and it has multiplied since then.

A possible third reason that the Social Security program has never been on a sound basis is that the money taken is not invested so as to bring in the best return. If that had been done, there could have been many more funds available.

As it is, Social Security continues to be a pyramid scheme, a plaything for handing out benefits earlier and now increasingly worrisome. Medicare is, if anything, in worse shape than the original mainframe of Social Security. They are a significant part of the financial morass of the Welfare State.

The Moral Breakdown

The human wreckage that is among the by-products of the Welfare State is now to be examined. Undoubtedly, there has been a substantial moral decline, moral breakdown, a severing of the ties between freedom and responsibility, and loss of awareness of obligations, duties, and personal responsibilities. Civility is more honored in the breach than in the observance. Vulgarity, obscenity, profanity, lewdness, immodesty abound in these times and have besmirched the decade just past. But all these things are not the subject of this section, nor are all of them clearly by-products of the Welfare State. This section is about the increasing dependence of Americans on government, of the decline of individual responsibility, of the breakup of the family, about the increase of single parent families, about the increase of illegitimacy, of legalized gambling, and the increase of violent crime. There may be a better overall term to cover these topics but "moral breakdown" is here being used to include them. And these are more or less by-products of the Welfare State.

The received wisdom that Americans brought into the 20th century and held onto well into the century was that mature individuals are responsible for their own well being, that men are generally responsible for their wives and any children they may produce or adopt, and that mature children are responsible for helping to look

after their parents in their declining years. Such behavior was held to be in accord with fulfilling moral obligations. Beyond family duties, men and women might take on religious and community obligations. These things were the stuff of individual independence, moral uprightness, family cohesion, and communities of people.

1. Dependence on Government

The Welfare State has brought with it programs and policies which have eroded individual independence, family cohesion, and voluntary community. Dependence on government has been made virtually normal by the Welfare State. In earlier times, the aim was to make any aid, either charitable or governmental, temporary, until either the individual regained his health, got back on his feet, or until responsible parents, families, or relatives could provide for them. The Welfare State brought with it a different set of expectations and practices.

Many children are brought up in dependence on government and taught to look to it for provisions. Qualified children are provided for by Aid to Dependent Children from the time they take their first breath almost. Indeed, they may benefit from pre-natal care in government run clinics before they are born and free care during birth and in the hospital, courtesy of Medicaid. Many of a child's meals may be acquired by way of food stamps. His vaccinations may be obtained at government run clinics as well as other post-natal care. When the child is old enough he will most likely attend schools mostly paid for by state and local governments. If he qualifies, he may receive free lunches at school and possibly free breakfasts. If he lives far enough away from the school, he may be transported to and from school without charge on government run buses. If he goes to college, his further schooling may be subsidized by government, and he may benefit from a variety of government grants and subsidized loans.

Those who have been thus dependent on government while growing up may become independent and responsible adults as they may mature. If so, they did not learn well the lesson of dependence on government being taught them. If they are like many of their classmates, however, they will continue to expect aid from govern-

ment, get what they can from time to time, clamor for more, and lose what confidence they may have ever had that they could or should provide for themselves and their own without the aid of government programs. At retirement, they may well relapse into absolute dependence on government for their material well being.

The Welfare State tends to produce a demoralizing dependence on government, people who do not take the initiative to improve themselves, who leave undeveloped many of their abilities and talents, who are takers rather than givers, who do just enough to get by, who are subservient, and so on. They are not so much the wreckage of the Welfare State as the forerunners of it.

2. The Breakup of the Family

It is not too much to say the family is under siege in the last half of the 20th century and that it is not standing up under the sustained attack from many directions. The Welfare State is not the only assaulter of the traditional family. The family has been under assault from many directions, governmental and nongovernmental, but government has done all too little to protect and sustain it and too much to help with undermining it.

Evidence of the breakup of the traditional family, nuclear and extended, abounds. It is there in the statistics for divorce, in the increasing number of single parent homes, in the large numbers of babies born to unmarried women, in the rampant juvenile delinquency and crime, in the abandonment of their children by so many men, in widespread spousal abuse, in child abuse by parents and relatives, and in extreme and horrible cases of the killing of their children by parents and the killing of parents by their children. Wives putting out contracts on their husbands, and husbands arranging for their wives to be killed are, if not commonplace, more frequent than ever. The "dysfunctional family" has become a part of everyday language. The extended family is only a memory of old people for many people today, and the traditional nuclear family composed of husband-wife and their offspring is being challenged by other arrangements.

Many developments have set the stage for or contributed to the breakdown of the family. The extended family has fallen victim, in

part, to the mobility of people and jobs. Relatives are often scattered over much of the country, if not the world. The decline of the family farm, leaving few families who make a living by farming has removed most of the examples of families knit together by work, learning, and play. Rapid technological changes have undermined much of the value of age and experience in doing things. Different tastes in music, movies, and literature tend to separate generations and people within the same generation of different ages. Families are often tied together only by bonds of affection, which may be all too fragile to withstand the stresses on the family. And, the above developments may have been only marginally affected by government.

But governmental intervention as well as neglect and the Welfare State has had much to do with the breakdown of the family. To examine how this has happened it will be most helpful to look at the breakdown of authority in the family. The family has at most times and most places been a patriarchal institution. That is, the family was under the authority and control of the father, or failing that, the male head of the household. That is not to say that the wife/mother did not have influence over the husband/father, that she might not have a hand in decision making, nor that she might not have exercised some authority, especially in his absence. Even so, ultimate authority rested with the husband/father in the family, and the wife/mother usually supported him in the exercise of it.

It could hardly have been otherwise on the farm, and most Americans lived on farms until the 20th century. A family farm was a work unit usually, the workers consisting mainly of parents and able-bodied children above 8 years old. The males usually did the heavy work of farming: ploughing, planting, much of the harvesting, building, fencing, maintenance of equipment, and the like, under the supervision and leadership of the father. Females usually did the housekeeping work, the attending to small children, yard and gardening, and other lighter work, often under the supervision of the mother. The authority of the parents, and especially of the father, was supported by custom, tradition, religion, and law, as well as by his dominant position in providing a livelihood and by his masculinity which usually made him taller, heavier, and stronger.

Governments first intervened to undermine parental authority in the late 19th and early 20th century when states adopted compulsory

school attendance laws. Compulsory school attendance did not greatly undermine parental authority immediately, nor did it contribute much for a long while, if ever, to the breakup of the family. It did tend to reduce parental control over the training of children, reduce the amount of time children were in the home and set up a potential counter authority to that of the parents. So long as schools were locally controlled and financed, they did not much disturb the rule of custom, tradition, and religion. Progressive education, state finance and increasing state control after the 1930s, coupled with intrusion by the Federal government, especially the courts, and the transformation of the National Education Association into a labor union in the 1960s, often made the schools into alien forces within communities.

The passage of child labor laws in the 1930s potentially completed the removal of the children from the family work unit. So long as the family still farmed, these intrusions had less effect, since child labor laws applied to industrial labor, and the like, not to farming under parental supervision. But under the not so gentle ministrations of farming by the Federal government, the family farm began its rapid decline in the 1930s.

Indeed, in the thrust to establish the Welfare State in the 1930s, farmers and farming occupied a great deal of government attention. A barrage of laws was passed which had the tendency of giving the Federal government control over what was produced for and sold in the market, how much land was planted to these crops, and what prices were paid for the crops. Much of the government effort was put into trying to raise the price of farm products. All this was supposed to be for the well being (welfare) of farmers. In fact, in the New Deal days, the government wanted to increase the number of families living on farms and engaging in farming. It did not work out that way. The more the government "helped," the less farms and farmers there were. About 25 per cent of the population of the United States lived on farms in 1930. This had fallen to 23 per cent by 1940, to 15 per cent by 1950, to 8 per cent by 1961, to under 4 per cent by 1980. The number of farms of all classifications declined from 6,800,000 in 1935 to 6,100,000 in 1940 to 5,400,000 in 1950 to 3,253,000 in 1960 to 2,808,000 in 1980. The debacle of the Welfare State on farming was apparent well before the most recent decade.

The decline of the small family farm, and indeed of the number of farmers in general, has a number of explanations, but one of them is surely the impact of contradictory government policies. However, our main concern with it here is its impact on the family and on paternal and parental authority. When a family left the farm, the father no longer worked at home and around it. He usually worked in a factory, mine, or mill, and for wages. Where child labor laws were in effect, he no longer worked with his children (compulsory school attendance had already reduced the opportunity for that anyway). Thus, the supervision of the children by the father and his influence over them generally declined. Many mothers also worked in factories and offices, increasingly as people moved from farms to villages, towns and cities. This development, when it occurred, reduced parental supervision and influence that much more. When young people went to work at "public works" (as it was sometimes called to distinguish it from working in the home or on the farm) at the ages 16-20 and had their own wages and salaries, parental authority virtually disappeared. In earlier times (in the 19th and for the first two or three decades of the 20th century), the earnings of minors belonged to the family and were usually under the control of the father. For boys, that usually lasted until they became twenty-one or married; for girls it lasted until they married or left home. This custom fell into disuse simultaneously with the onset of the Welfare State, child labor laws, governmental wages and hours legislation, and the rise of labor unions (fostered by Federal legislation).

The best evidence for the break-up of families can be found in the statistics for the number and rate of divorces in the United States. The number of divorces in 1890 was 33,461; in 1900, 55,751; in 1910, 83,045; in 1920, 170,505; in 1930, 195,961; in 1940, 254,000; in 1950, 385,144; in 1960, 393,000. The largest numerical increase occurred from 1965-1975, when the number jumped from 479,000 to 1,036,000. The highest all time number of divorces in one year occurred in 1981, which had 1,219,000. There were half as many divorces as there were marriages that year. From 1982-1995, the number of divorces has stabilized in the 1,150,000 to 1,190,000 range. The raw numbers of divorces make it appear that the increase has been more dramatic than it was because they do not take into account the population growth. The population of the United States

was nearly 63 million in 1890, and well over 248 million in 1990. This is taken into account in calculating divorce rates. Thus, the divorce rate was reckoned to be 0.5 per thousand in 1890, 4.7 per thousand in 1990. In recent years, the divorce rate has been approximately 10 times what it was in 1890.

The great rise in the divorce rate has accompanied the growth of the Welfare State. The divorce rate was 1.6 per thousand in 1930, 2.0 in 1940, 2.6 in 1950, 2.2 in 1960, 3.5 in 1970, and 5.2 in 1980. The most direct cause of the dramatic rise in the divorce rate was almost certainly the ease with which divorces could be obtained. These were mainly the result of changes in state laws and policies toward divorce. Jesus taught that the only justification for divorce was that one or the other parties to the marriage had committed adultery. Legally, it would seem that divorce could only be justified when one or the other parties to the marriage agreement had broken the contract. While state laws varied considerably on the terms under which divorce could be granted, divorces were generally difficult to obtain before 1940, both because of mandated cooling off periods and the expenses connected with them. Two great changes occurred within two decades or so of the end of World War II. Incompatibility became generally acceptable as a reason for granting divorce. And "no fault" divorces became commonplace. Also, some states began offering "quickie" divorces, requiring only the briefest of waiting periods.

The Welfare State also facilitated divorces by some of its programs as well, but the consequences may well have been unintended. One such program was Aid to Dependent children. A non-working mother could more readily contemplate divorce if she had some means for looking after her children. Food stamps are another means of surviving. Medicaid provides hospitalization and medical services to those who qualify, and many divorced women with children would. Indeed, the whole panoply of Welfare State programs may be utilized to make divorce more readily practical.

Feminists have tended to favor and work for quick and easy divorces. Yet it is men who are more likely to be "liberated" by divorce where children are involved. Not only are mothers more likely to get children when custody is disputed, but it is usually women who are left with the children in any case. Although men are

often ordered to pay child support, they frequently evade or only infrequently make their payments. Often, the break-up of the family by divorce signals the end of parental responsibility for men.

The breakdown of the family is starkly illustrated by widespread and frequent divorces. The breakdown of the family may be even more bluntly illustrated by the increasing number of single parent (mostly mothers) homes. These include not only many of the results of divorce but also the increasing number of children born out of wedlock, i.e., to unmarried mothers. The number of one parent families with children under 18 was 5,829,000 in 1960, just under 8.2 million in 1970, just under 12.5 million in 1980, and over 15.8 million in 1990. While the percentage of children living with fathers had increased between 1960-1990, mothers-only outnumbered fathers only in 1990 by over 13.8 million to just under 2 million fathers. For some reason, unexplained, the number of children under 18 living with other relatives than their parents and non-relatives declined between 1960 and 1990. Among black children under 18, more were living with their mothers-only than were living with two parents. This was a drastic change since 1960, when three times as many children lived with both parents as with mothers-only.

The percentage of children living with a never married (usually a single woman) parent was 4% of all children in 1960. It had risen to 6.8% in 1970, to 14.6 by 1980, and to 30.6 in 1990. The number of babies born to single women in 1988 were 26 percent of all new born babies. According to the Census Bureau, that was the highest percentage ever born to unwed mothers. These figures not only signal the breakdown of the family but also the widespread abandonment of the traditional family as the means of providing for and bringing up children. The Welfare State is directly responsible for making much of this development possible.

Further proof that the abandonment of the traditional family style of living has been on the increase can be found in the number of unmarried couples living together. There were 523,000 in 1970, 1,589,000 in 1980, 1,968,000 in 1984. A survey in 1988 reported that 25.4 of those between the ages of 15-44 cohabited before their first marriage. Other "alternative" life-styles have surfaced during these years as well: homosexual men and lesbian women living in family-like settings. Unrelated groups of people also live together in

camp, villages, or houses. The norm is still married couples living together with their children, but it is being severely challenged by divorce, single parent households, the large increase in unwed mothers, and the development of alternative life-styles.

The break-up of the family is a major part of the debacle of the Welfare State.

3. Offshoots of the Moral Breakdown

The decline of morality has so many offspring that it is difficult to even hint at any considerable portion of them. It could hardly be otherwise when we consider the rampant egoism in our day and the widespread absence of a sense of wrongdoing or sin. Most of the young, if they are not monumentally satisfied with themselves and their way of life, hardly perceive that whatever may be wrong stems from any flaw in themselves. Most are all too willing to defend themselves vigorously and with great and unwonted self assurance. Practicing homosexuals are not sinners or wrongdoers, or so they would have us believe. Many of the young women who repeatedly bear children out of wedlock appear to believe they are entitled to public aid, not to censure. Boys and men who impregnate these girls or women go their way without any apparent sense of wrongdoing or any responsibility for making amends. Self-centeredness is hardly reckoned to be a sin anymore, it is just the way people are. And what, they may well ask, is wrong with that? It sometimes appears that the only thing shameful about sin these days is to name sins. Even many of the clergy have become reticent on the subject, quite willing to hold forth the offer of forgiveness without instructing us on the subject of what we may have done to be standing in need of it.

Of course, the Welfare State has an impact on sin and wrongdoing by providing a benefit safety net that makes it more difficult for society or families to punish those guilty of wrongdoing. Another way it protects some groups from a sense of shame or guilt is to give them victim status. One example of the Welfare State immunizing a group from guilt or sin is the status acquired by homosexuals. Homosexuals claim to have been victimized by society for their predilections and practices. Thus, a major attempt has been made to shift

any sense of sin or wrongdoing from homosexuals to heterosexual society. They were greatly aided in gaining their victim status by the outbreak and spread of AIDS in the 1980s. AIDS spread rapidly among male homosexuals and, to date, most of those who have died of the disease have been male homosexuals.

While practicing homosexuals are a small minority in the country, many of them are quite influential and became outspoken about the disease, and so forth. Despite the fact that it was their practices that exposed them to the disease, that homosexuality is illegal in many places, is everywhere immoral by most religious teachings, and is by nature perverted, they managed to get themselves described as victims of the disease, to prevent widespread testing, and to foreclose even consideration of quarantine as a means of containing this infectious disease. What made this strange turn of events possible was the widespread status of victimhood being established under the Welfare State.

This development will be amplified in the following section. The point here is that wrongdoing has been having a field day under the auspices of the Welfare State. Two categories of cases are to be taken up here. They are crime, especially violent crime, and the rise of gambling, especially as promoted by states.

Crime has generally been on the increase in the United States since the establishment of the Welfare State. This conclusion was made on the basis of aggregate statistics collected and released annually by the Federal Bureau of Investigation. But the increase of crime since the 1960s is most dramatic. The year 1965 will serve well enough to begin the look at statistics. Between 1965 and 1990 the population of the United States increased from around 190 million to over 248 million in 1990. The F.B.I.'s Crime Index total was 2,780,015 in 1965 compared to nearly 14.5 million in 1990, over 5 times as many crimes in 1990 as in 1965. Among all the crimes perpetrated, violent crimes made impressive increases over these years. There were approximately 357,000 violent crimes reported in 1965 compared to over 1,820,000 in 1990. The number of murders in 1965 was 9,850 compared to 23,400 in 1990. The number of forcible rapes committed in 1965 was 22,467 compared to 102,560 in 1990. Very little of this increase in crime can be attrib-

uted to population growth, since that only increased by 24% during this period, while violent crimes increased around 500%.

Crimes were not, however, evenly spread throughout the United States according to the density of population. On the contrary, much of crime is concentrated in towns and cities. For example, in 1987, the average number of murders per 100,000 population in 7,721 of the larger cities was 10.2 people. For smaller towns and cities, it was 5 per 100,000; for rural areas it was 6 per 100,000 people. The very largest cities, however, had drastically higher crime rates per 100,000 population in 1987. Baltimore had 29.5 murders, Chicago 22.9, Detroit 62.8, Los Angeles 24.3, Washington D.C. 36.2. Forcible rape was 19 per 100,000 in rural areas, 56 per 100,000 for larger cities, 78 for Baltimore, 125 for Dallas, 126 for Memphis, and 130 for Detroit.

Nor were crimes evenly distributed among races, of which white and black are the major breakdowns available. To get some idea of the relative size of these: whites constituted 80.3 per cent of the population of the country in 1990, while blacks constituted 12.1 per cent. The following are total figures for arrests for various crimes in 1988: for murder, 7,243 for whites, 8,603 for blacks; for forcible rape, 14,775 for whites, 12,853 for blacks; for robbery, 40,072 for whites, 69,130 for blacks, and so on.

One other development in crime over the last decade needs to be noticed. Murders by boys under 18 years of age has increased rapidly. "A study by the National Crime Analysis Project found that the number of 15-year old boys arrested for murder soared 217% between 1985 and 1991. For 17-year-olds the number climbed 121%, and even for those 12 and under the number rose 100%." (*The Americana Annual*, 1993, p. 203)

Undoubtedly, the soaring crime rate in recent decades signifies a moral breakdown in society. More specifically, it signifies a widespread loss of inner restraints and self control. But how is it tied in with the Welfare State and especially the debacle of the Welfare State? That is a somewhat more complex matter.

Not all crime is attributable to the Welfare State, or, for that matter, any particular cause that may be named. There have always been crimes so far back as records go. Assaults on persons and stealing, among other crimes, have always taken place. What is

wanted here, however, is not an answer to why there is crime but why there has been a drastic increase in the last several decades. For clues to that we look for differences during this period from those that preceded it. Among those differences, and the one that is the focus of our attention, is the rise of the Welfare State.

We have noticed already the great concentration of crime in very large cities, that there is a much greater incidence of crime by blacks than whites proportionately, and that murders by boys have risen dramatically in recent years. We know also that the number of single mothers and mothers-only households have risen drastically over the same period as the rise in crime. We know, too, that large scale welfarist measures were applied to farmers just before and during the mass exodus of people from the farm to towns and cities. That accounts in part for the growth of cities and almost certainly to the increase of crime, and is also attributable in part to the welfarist effort. Further, young men from fatherless homes and/or brought up by unwed mothers are a major source of the increase in crime. We have already traced this situation to welfarist policies and practices. The incidence of single mothers is much greater among blacks than whites, but it has been increasing for both categories in recent decades, as has crime.

In sum, a considerable portion of the increase in crime can be attributed to the Welfare State, and it is a part of the debacle of that entity. (None of the above is intended to reduce in the least the responsibility of individuals for the crimes they commit. Irresponsibility is rather the heart of the problem, and it is the Welfare State, among other developments, that nourishes irresponsibility, but responsibility remains where it always was—on individuals.)

Gambling is another offshoot of the Welfare State, gambling authorized and/or monopolized by the state. The operating premise in these United States has been and still more or less is that gambling is a wrong to be prohibited, even, perhaps, an evil to be wiped out, unless it is authorized or monopolized by government. How government authorization or monopoly of it makes it any less wrong or evil is not clear. Granted, when government authorizes gambling, it is legal to gamble, but that evades the issue. If government, or those who govern, had of a sudden discovered that gambling is neither wrong nor evil and moved post haste to remove all restraints

and prohibitions on it, that would have at least been logical, even if their conclusion was in error. That has not happened, however; the prohibitions against gambling in general are still very much in place.

The only argument for state authorized and/or monopolized gambling that this writer has heard can be summarized this way. The ends of government justify the means, i.e., government authorization or monopolization of gambling. This is, of course, a particularization and reversal of an old adage, namely, that the end does not justify the means. The point of the adage being that the means themselves must be just, as well as the ends. In any case, those who argued for legalized gambling did so in welfarist terms. They held that gambling revenues would produce revenue for the state it would otherwise not get. State governments have been hard pressed, so many claim, to meet the expenses for schooling, medicaid and an assortment of welfare programs, some of them mandated by the Federal government. Thus, legalized gambling has been justified in many states as needed support for what are mainly Welfare State programs. That makes gambling right and good, presumably, so long as the state does or controls it, and some of the revenues are used for government determined ends.

The most popular of these new gambling schemes is state-run lotteries, and a goodly number of states now have them. Between 1970 and 1990 the number of states having lotteries increased from three to 32, and the District of Columbia had one as well. The proceeds increased from \$49 million to over \$20 billion. The lottery appeals to greed on a large scale with its huge occasional payoffs. Casinos are the second most popular of new gambling devices being introduced in states such as Illinois and Mississippi. These, too, are justified as providing new tax money. Horse and dog racing have been added in many states in recent years, though they have been well established in some states for some time.

Gambling has been a pastime, a form of entertainment, and a vice widely indulged since time out of mind. In more morally circumspect times, it was done legally in glittering play palaces at Monte Carlo, Las Vegas, and the like. It has been brought near to hand to most Americans to succor the Welfare State. What debacles accompany it are a part of the debacle of the Welfare State.

The Feudalization of Society

The Welfare State was an offshoot, or perhaps an “onshoot,” of socialism. Its roots were in socialism, and it was potentially a road to socialism. It was that much of socialism as could win electoral victories for several decades in the United States, so long as it did not call itself socialism. Its redistributions of wealth secured the votes of the electorate, and many Americans are still deeply attached to some of the programs. They have become dependent on them—or think they are.

The main point here, however, is that the baggage of socialism had some powerful ideas, some of which have surfaced early and late in the life of the ideology. One of these is the idea of class warfare. Karl Marx taught that a titanic class struggle loomed ahead between the bourgeoisie and the industrial proletariat. One organization fostered by these ideas as they went into socialism more generally was the industrial labor union. Marx also claimed that industrial workers were mistreated, cheated, oppressed, and victimized. The worker as victim was a powerful idea in the rise of labor unions in the latter part of the 19th century—when Marx lived and wrote—and well into the 20th century. The labor union has been on a long term decline for the past several decades, and during the decade which is the subject of this book has been well on its way to becoming a relic, except for government unions.

The notion of certain groups as victims, hence deserving of and rightfully entitled to government support, is still very much alive. Indeed, the idea of farmers—especially tenant farmers and the like—as victims deserving of government help is almost as old in the United States as industrial-worker-as-victim. It gave rise to a host of farm programs, some of which are still around, while the major beneficiaries are large scale commercial farmers and corporations. (It may well be that some farm programs have a half-life longer than nuclear waste.) More recently, a new crop, so to speak, of victims has surfaced, to be enlivened by the ideology which fueled the Welfare State.

These groups have their victim status as members of minorities. It isn't actually necessary for the group to be a minority in order for its members to have victim status. In fact, many minorities do not

have victim status. What makes a group qualify to convey victim status on its members is that it has been oppressed historically or that it claims to still be suffering from the effects of the oppression. In fact, it is not enough to have been oppressed historically—after all, everyone was—, but the scars must still be there. Note, too, that these are collectivist claims, showing their kinship with socialism in yet another way. The guilt of the oppressors is collective, and the victimization is collective, stemming from membership in the group. It is not at all necessary for each member of the group to have been oppressed, nor for his family to have been, nor for anyone he knows to have been. It is sufficient only that the group of which he is a member has been oppressed, and that in some way the oppression is still ongoing.

Probably, the first of these groups to gain victim status was American blacks. Undoubtedly, blacks had been oppressed as slaves in America. They were brought to America as slaves, and most of them and their descendants remained in slavery until the abolition of slavery. Slavery was oppressive on the face of it, though the degree of it might vary from job to job and place to place. Whether blacks were oppressed or not after they were freed from slavery is not so clear. They were, it is certain, often and widely treated as if they were inherently inferior to the dominant whites. They were segregated by law in many states and in many ways. They were often treated as menials, made to sit in separate sections at public performances, and so on and on. They were often belittled and demeaned, of that there should be no doubt. With the end of segregation in the 1950s and 1960s came the ending of the legal relics of inferior status.

In the wake of these events, particularly in the 1970s, many blacks began to take on the status of victims, a status they claimed on the basis of being black. That is, they began to take on the appearance of a privileged class with special entitlements and claims to preferred treatment. Victim status meant that they were entitled to compensation for the wrongs of the past. Affirmative action was promoted by governments-local, state, and national-by the courts, by colleges and universities, by the media, and so on. Civil rights were often spoken about and treated as if they were rights for blacks only. An example of this occurs when state courts fail to convict a non-

black for allegedly committing a felony offense against a black, as happened in the Rodney King case in California. A United States court then tried his alleged attackers for violating King's civil rights, found some of them guilty, and sentenced them to prison. This was about as clear a case of double jeopardy, prohibited by the Constitution, as could be found. Yet the courts ignored the prohibition, as they have done on a number of occasions where blacks were involved. No similar protection of the civil rights of non-blacks has come to light.

An assortment of other special protections and privileges for blacks, and sometimes for other minorities as well, have been provided. The Equal Employment Opportunity Commission is supposed to provide equal opportunity generally. Set-asides are done especially to give minorities contracts for a portion of the work on large government projects. Much controversy has attended the question of whether or not quotas should be established for the hiring of minorities. In fact, court orders have set up quotas for the number of blacks and sometimes other minorities who must be hired before further white men are hired as highway patrolmen, in police departments, fire departments, and the like. Courts have also interested themselves in who gets promoted and on what grounds. Written tests have been thrown out on the grounds that they are prejudicial toward certain minorities.

In addition to blacks, other minorities who claim to have been oppressed and deserving of victim status are American Indians, Japanese-Americans (those interned during World War II in the United States), women, Hispanics, homosexuals, lesbians, the lame, the halt, and the blind and others disabled in some way. Indeed, there is no end to those who may lay claim to victimhood and thus to special treatment.

Compensation for the victims covers much more than economic benefits and preferences. The victimized groups are supposed to be supersensitive, to be easy to get their feelings hurt, and to be spared even hearing categorizations, taunts, or slurs associated with their former oppressed status. A "politically correct" language has emerged, especially in universities, to protect select minorities from hearing anything about their groups that might be deemed unfavorable. The names by which groups were called were sometimes

changed to rid them of earlier associations or to give them a clearer or more dignified identity, or simply to keep people in general on their toes and sensitive to the wishes of the group. For example, a major effort has been made to change the name for American Indians to Native Americans. Whether the change will stick or not, it is linguistic nonsense, since everyone born in America is a "native" American. Blacks were referred to as Negroes until the 1960s, when that tag was dropped in favor of being called "blacks." Then Afro-American began to emerge as the politically correct designation for them.

Victims are assumed to be so fragile that a wayward look or the rolling of the eyes may shatter them. As one writer has pointed out: "Victims have been transformed from capable citizens in need of fundamental legal rights into frail psychological chattels, easily cowed by the slightest gesture, facial expression, or word they might find uncongenial. If the distinctive format of traditional liberal education was the...Socratic dialogue, the model for the new order is the therapeutic workshop and consciousness-raising session. Such approaches do not seek debate or a reasoned balancing of rights but an embracing of rights of victims, often accompanied by the coached acknowledgment of guilt." (Charles J. Sykes, *A Nation of Victims* [New York: St. Martin's Press, 1992], p. 164) Anyone who doubts this should observe what takes place when someone of prominence, or just well known locally, is accused of "racism," especially by a black person. It is as if a siren had sounded; the media descend and a great irrational inquisition is held. The person so charged may be greatly damaged, though racism is neither quantifiable nor provable.

The debacle here is not simply that Americans have been turned into a gaggle of ninnies, though they have, but that America is in the process of being feudalized "The country is being divided into an assortment of groups, some of which have special privileges, rights, and status, while others are underprivileged, stripped of some of their rights, made into whipping boys, and emotional serfs of those so privileged. The divisions that are being made are nowhere clearer than in colleges and universities, which have gone furthest with political correctness and the like. This is happening under the rubric of multi-culturalism" in the schools and colleges.

Professor Arthur M. Schlesinger, Jr. has well described the impact of what has been going on in education under the tutelage of "ethnic ideologues," as he describes them. He has written of them: "They have set themselves against the old American ideal of assimilation. They call on the republic to think in terms not of individual but of group identity and to move the polity from individual to group rights.... They have imposed ethnocentric, Afrocentric, and bilingual curricula on public schools, well designed to hold minority children out of American society. They have encouraged minorities to see themselves as victims and to live by alibis rather than to claim the opportunities opened for them by the potent combination of black protest and white guilt. They have filled the air with recrimination and rancor and have remarkably advanced the fragmentation of American life." (*The Disuniting of America* [New York: Norton, 1992], p. 130)

To document the fragmentation in the colleges, he says that according to a University of Pennsylvania professor, campuses "have the cultural diversity of Beirut. There are separate armed camps. The black kids don't mix with the white kids. The Asians are off by themselves. Oppression is the great status symbol." Of Oberlin College, which prided itself for so many years on being a racially integrated college, he notes that students now have to do only with those in their group. "Asians live in Asia House, blacks in African-Heritage House, foreign students in Third World House. Even the Lesbian, Gay, and Bisexual Union has broken up into racial and gender factions." (*Ibid.*, p. 104) To this might be added the fact that radical feminists have done their worst to try to drive a wedge between men and women.

Feudalization is the outcome of the illogic of the Welfare State. The Welfare State set government to the task of looking after the well-being of people. It bought their votes with benefits handed out by government. There are many facets to what people may consider to be for their well-being. Much of this was promoted under the guise that people had been victimized. When that was tailored to the diverse population of the United States, it divided them not only into interest groups but also into benefit groups, banded together and in contention and opposition with other groups. There are many dimen-

sions to the Debacle of the Welfare State. The feudalization of society is only the most recent of these to emerge.

Chapter 4

Conservative and Liberal: Surge and Evasion

There has been a struggle for the minds of Americans—some would say their souls—for several decades now. It has been especially lively over the past decade. Conventional wisdom has it that this struggle at the political, journalistic, religious, and educational level is between conservatives and liberals. That way of putting it will not satisfy either all the participants or all the observers of the struggle. They are right, for the struggle is both less and more than between conservatives and liberals. It is less than that because much that is contended about is neither especially conservative nor liberal. It is more than that because much that is at issue calls forth a variety of responses, some of which are not especially conservative or liberal. Libertarians, for one example, are conservative on some matters, and liberal on others.

Moreover, liberals increasingly don't even engage directly in the struggle. A contest over principles and ideological or philosophical positions is not to their taste. Their reaction will be discussed in some detail below, but it needs to be noticed before plunging into the particulars. Liberals much prefer to emote, to come out for people in various conditions and situations, to favor this or that or the other program than to grapple with ideas and principles. They appear to be willing quite often to concede the principle but cling to the particulars which are usually liberal, if liberalism has any meaning.

Let it be granted at the outset that those who are called conservative do not all agree with one another. The same is surely true of liberals as well. More, there are matters on which liberals and conservatives agree, or at least hold compatible views. There are matters that might be controverted themselves for which this is probably true. Nonetheless, it must be reaffirmed that there is an ongoing struggle for the minds of Americans and that whatever differences those on one side or the other may have with those generally in their own camps or on whatever grounds most of those on both sides may

agree with each other, the two sides can best be characterized as conservative and liberal.

The Conservative Surge

The conservative movement has surged over the past decade. It has gathered strength, vitality, many new adherents, and increasing confidence during these years. The presidency of Ronald Reagan was a boon to conservatism even though his support was often more rhetorical than substantive. Nor did the breakup of the Soviet Empire and the decline of Communism have any discernible impact on the growth and spread of conservatism. Conservatives were, if anything, more outspoken in support of their principles than before. As the political following for conservative ideas grew and moved toward numerical dominance, conservatives gained confidence.

In opinion journalism, conservatives were virtually on a par with liberals for much of the decade. They were well represented in editorial page columns, better represented on some of them than liberals. Not that editorializing has been restricted to the editorial pages in recent years, though conservative columnists usually are. Opinions helpful to or actually advocating causes appear throughout newspapers. Indeed, front pages of newspapers—once the domain of the most pressing news items—often headline sociological material which is background to and/or advocacy of some cause or other, usually liberal. Conservative columnists are welcome on many newspapers, but much of their material more or less subtly derives from liberal premises. There are exceptions, such as *The Manchester Guardian* and *Washington Times*.

Even so, as noted, nationally syndicated columnists have become plentiful over the past decade, some going back well before that. A weekly reprint magazine, *Conservative Chronicle*, advertises that it reprints “all of the nation’s top conservative columnists...every week.” Among those it reprints are Patrick Buchanan, William F. Buckley, Jr., George Will, William Safire, R. Emmett Tyrrell, Jr., Joseph Sobran, Linda Bowles, Tony Snow, Walter Williams, Paul Harvey, William Rusher, Mona Charen, Ken Hamblin, Edward Grimsley, Robert Novak, James J. Kilpatrick, and Cal Thomas. John Leo and Thomas Sowell should certainly be added

to the above list, but there are many others not named. What this list does indicate is that conservatism has major voices on the editorial pages of many newspapers.

Blacks and women are becoming major columnists in newspapers as a result of their prominence during the past decade. Thomas Sowell is not a black columnist in the partisan sense, but rather a columnist who happens to be black. He is a fine example of a reasonable man thinking and writing. In addition to being a columnist, he is a scholar with several learned books to his credit. Among them are: *Black Education: Myths and Tragedies*, *Classical Economics Reconsidered*, *Economics: Analysis and Issues*; *Say's Law: An Historical Analysis*; *Civil Rights: Rhetoric or Reality*; *Marxism, A Conflict of Visions*, and others. Walter Williams is both a conservative and a black who writes newspaper columns. William Raspberry is a black columnist, and, though he is not a conservative, he maintains a reasonable stance, and argues well. Mona Charon, Maggie Gallagher, and Linda Bowles are conservative women columnists who have succeeded in a tough field.

Some journalists have made their impact mainly in conservative magazines or journals as well as or instead of in newspaper columns. Most of the main conservative journals of the 1950s, '60s, and '70s are still around. Some have grown; some have held their own; some have declined or been discontinued. If *National Review* was the flagship of conservative journalism—a position to which it surely aspired—in earlier years, it still occupies that position. It is still a bi-weekly publication, still moved by William F. Buckley, though he is no longer its editor. It has grown a little in size and greatly in circulation—in the range of a quarter million copies sold per issue. It is no longer simply a conservative magazine, if it ever was. It attempts to be a decisive influence in the Republican Party. It is more middle-of-the-road Keynesian in economic and especially monetary policy, pragmatic as to what works, and inclines toward free trade. Its writers pay much attention to the interminable polls which are more like a whirlwind than a steady breeze.

In prominence, *National Review* is being pressed in its dominant role, or at least in its circulation leadership, by *The American Spectator*. *The Spectator* is friskier than *National Review*, is much more into investigative journalism and expose's, and is more jour-



Thomas Sowell

(1930-)

Thomas Sowell is one of the leading voices among black conservatives, in print and in the spoken word. He was born in Gastonia, North Carolina where he lived until moving with his parents to Harlem, NY at age eight. After serving in the Marine Corps he attended Harvard University where he graduated in 1958. Upon graduation, he espoused Marxist beliefs, but changed shortly thereafter. He briefly served in the U.S. Labor Department then taught as professor of economics at Cornell University, UCLA, and finally Stanford where he became a Fellow at the Hoover Institute. Sowell's conservatism often raises the ire of liberal black leaders and liberal whites who often consider him to be a "sell out" of the black race. He opposes racial quotas, government affirmative action, and forced busing as solutions to racial injustice. Instead he believes government programs have only hindered black progress. Sowell believes it is the individual and the culture he lives by that produces his circumstance, good or bad. He is a nationally syndicated columnist and has penned a number of scholarly books on various political issues. Among them are Ethnic America, Inside American Education, and Race and Culture: A World View.

nalistic than literary or philosophical. Here are some of the investigative report reprints listed as available in a recent issue: James Ray Adams's "Beyond Whitewater," John Corry's "The MIA Cover-Up," Daniel Wattenberg's "Lady Macbeth of Little Rock," Lisa Schiffren's, "The Unauthorized Clinton Financial Audit," and David Brock's "Living with the Clintons," "The Real Anita Hill," and "The Travelgate Cover-Up."

The Clinton administration has unintentionally provided much of the copy for the *Spectator's* expose's. The one expose' which had the greatest impact on circulation was the David Brock article, "Living with the Clintons" published in the January 1994 issue. The circulation of the magazine had been on the increase for months before that, but the sales of that one issue ran to several hundred thousands. The regular circulation increased greatly after that as

well. The article surely would have been "R" rated, if magazine articles were rated. It was an explicit account of President Clinton's liaisons with an assortment of women other than his wife when he was governor of Arkansas. The story of these adulteries were provided by two state troopers whom Brock named, and some of the instances were corroborated by two other state troopers who were not named. Except for Gennifer Flowers, who had come forward earlier, the women are not named. "The troopers," wrote David Brock, "said their 'official' duties included facilitating Clinton's cheating on his wife. This meant that, on the state payroll and using state time, vehicles, and resources," they were aiding Governor Clinton in carrying out his adulteries. The troopers declared that Clinton continued with these after he was elected President, at least until he moved to Washington. Clinton is the first President to have his adulteries reported publicly by a responsible publication while he was still in office.

National Review and *American Spectator* now outstrip the circulation of such liberal publications as *New Republic* and *The Nation*. Both of these accept being called "conservative" without any qualifier being added to it. So, too, would *Human Events*, President Reagan's favorite conservative publication, though its tabloid format, if nothing else, puts it in a different class from them.

In the 1950s-1960s, when conservatism was taking shape, two strains of ideas were clearly discernible. There were traditional conservatives-those who were, in the phrase of Russell Kirk, on the side of the permanent things-and there were libertarians. Conservatives and libertarians shared some common ground, belief in individual liberty, free markets, anti-communism, opposition to socialism and the welfare state generally, and more or less limited government. But libertarians were not traditionalists, not theists, not much in favor of government, and inclined to the view that just about everything should be done privately. Their most popular publication is *Reason* magazine. It has a good circulation and is often devoted to exposing the foibles and shortcomings of government.

Another crack began to open up in conservatism in the 1970s. In addition to just plain conservatives, if these even be accepted, there are those who claim that there are paleo-conservatives and neo-conservatives. "Paleo" means old or ancient and when the words are

combined must mean the old, or “older” conservatives, or those who hark back or were around when the “neo” or new, conservatives put in their appearance. The unofficial organ of the paleo-conservatives is *Chronicles: A Magazine of American Culture*, a monthly published at Rockford, Illinois, edited by novelist and historian Thomas Fleming. Its writers are more likely to have an academic than journalistic background, and its literary homeplace is the Southern Agrarians of *I’ll Take My Stand*. The Agrarians had been especially concerned with what industrialization was doing to American society. *Chronicles* writers run the gamut from gun enthusiasts, to protectionists, to seeking reductions in immigration, to defenders of the original Constitution, to concern with lost causes. Indeed, there is more than a little pessimism and gloominess to much of the writing in *Chronicles*. The original Agrarians deplored rather than offered solutions for the problems they described; many contributors to *Chronicles* reflect that attitude.

The neo-conservatives, by contrast, are nothing if not enthusiastic. They run to being political activists, brimming with programs and proposals, advisers, one might suspect, of Speaker of the House, Newt Gingrich. They are probably most at home at Edwin Feulner’s Heritage Foundation, a conservative think-tank located in Washington. Heritage turns out position papers and suggested programs for would-be and actual politicians. Neo-conservatives are intellectuals, New Yorkers mostly, though some have migrated to Washington. Leading neo-conservatives include Irving Kristol, Norman Podhoretz, Michael Novak, Midge Decter, and Charles Krauthammer. Professor Clyde Wilson described the neo-conservatives as “New York Trotskyites” (in January, 1994 *Chronicles*, p. 26), that is, followers of Leon Trotsky who had been kicked out of the Soviet Union in the 1920s by Stalin. An exaggeration, perhaps, but a dust jacket blurb on them he quotes is a little more precise: “Once there was a group of liberals and Leftists. They were Democrats, they were radicals.... But they became disillusioned by the Left. They moved toward the Right.... They claimed to be true American liberals.... They went on to campaign for Cold War objectives of ‘exporting democracy’ and to support Ronald Reagan....” In short, they went all the way from being radicals to being conservatives, or at least neo-conservatives.

Some of the neo-conservatives came into conservatism by way of *Commentary*, but they have exerted their influence by way of *National Review* as well. They are internationalist in tendency and are devoted to extending democracy around the world. They are more at home with the welfare state and fiat money than are many conservatives. The neo-conservatives now have a publication guided by their own mostly, *The Weekly Standard*. It is a glossy weekly magazine of news and opinion, edited by William Kristol, Fred Barnes, and John Podhoretz. Probably, much too much is made of the differences of various conservative factions, if that is what they are. Most of them vote and tend to move in the same general direction.

The number of conservative organizations has increased greatly over the past decade. The Heritage Foundation, which is a little older than that, began to assert major influence during the Reagan years. American Enterprise Institute, also based in Washington, is more than a decade old, but it gives aid and comfort to conservative thinkers and writers, as well as others. The Hoover Institution is a long established think-tank at Stanford University which gives aid and support to scholars who are apter than not to be conservative. The Mises Institute at Auburn University in Alabama, founded by Llewellyn Rockwell, is devoted to teaching and spreading the free market ideas of Austrian economics. Indeed, the number of economic institutes of one variety or another put into operation in colleges and universities in the past decade or so exceeds the space that can be devoted to them here. One of the most recent is The Freedom School at The College of the Southwest in New Mexico, headed by John Robbins.

The spectrum of conservative organizations and publications would not be nearly complete, however, without mentioning two of the early ones still quite active. Two John Birch Society publications—*The Review of the News*, a weekly, and *American Opinion*, a monthly—were dropped in 1985. In their stead, a biweekly, named *The New American*, was established and is still being published. *The Freeman* continues to be published by The Foundation for Economic Education. The surge of conservatism has taken place over the past decades with the thrust and guidance of both old and new organizations and publications.

Two developments in the education of children contributed to the surge of conservatism. One was the increase in number and growth of Christian elementary and high schools during this decade. Historically, most Christian schools in the United States were Roman Catholic, Episcopal, and Lutheran. In recent years, however, evangelical churches have become major starters and establishers of Christian schools. Southern and Independent Baptists, Assembly of God, and Presbyterian Church in America are among those active in establishing schools. Many of these schools are conservative in direction. The other large development is that of home schooling. By the end of the 1980s, hundreds of thousands of parents were teaching and training their children at home. They did so despite the fact that they were being taxed to pay for the government provided schools, that they were often hounded by educational bureaucrats to conform to their prescriptions, that they were sometimes subject to charges of child abuse or neglect for not sending them to public school, browbeaten for not being properly prepared with enough college credits to teach their children, and treated like pariahs for daring to assert the right to instruct their own offspring. Many of them persevered and have been rewarded by unified and whole families. To read the letters of the trials, tribulations, and triumph of the parents in such publications as *The Teaching Home* is moving and inspiring. They are mostly dedicated Christians, and they are practicing their conservatism in the most direct and vivid way—to conserve their homes, their children, and their families.

The conservative surge has been forwarded over the last decade by those who have learned to use radio and television to reach portions of the public. Radio is the easiest to get a start in but much harder than television to make much of an impact with. Paul Harvey has over the years used radio and sometimes television to convey his ideas and commentaries to considerable effect. But the major phenomenon during the past decade has been Rush Limbaugh. He got his start and got a large following in radio, was soon on television as well, and then went on to become a best selling author. He has made quite an impact by attacking the ideas and foibles of liberals, by humorous formulations, by blunt characterizations, and confrontational statements. He takes great pride in being politically incorrect,

in attacking liberal causes with gusto, and flaying their secular gods which they hold sacred.

Above all, Rush Limbaugh is clever and has created an alter ego who is self-centered and egotistical. Here is an example of both from his advice to readers of his book, *The Way Things Ought To Be*: “By the time you have wisely purchased this tome...most will have undoubtedly savaged it. In many cases, their reviews will have been written before the book was published.... What they had read was critical newspaper and magazine articles, and they had formed their opinions accordingly. But they needn’t have gone to even that trouble. All they needed to know is that I am a conservative, and as such, I am politically incorrect. So beware: there are people out there—Communists, Socialists, Environmentalist Wackos, Feminazis, Liberal Democrats, Militant Vegetarians, Animal Rights Extremists, Liberal Elitists—who will try to prevent you from reading this book.” But, Limbaugh admonishes them, “Ignore them.... More, he even invites liberals to read the book, but:

For those of you among the Liberal Elite who take a stab at reading this book, be forewarned. Everything in this book is right and you must be prepared to confront that reality. You can no longer be an honest liberal after reading this entire masterpiece.... Now get to it (pp. xiii-xiv).

Rush Limbaugh is not only clever but an able debater and surprisingly good at explaining what is right or wrong with ideas. He has brought conservative ideas to the popular media. The *Americana Annual* reported that by 1993 his listenership had reached 13 million people regularly on 529 stations.

Some popular television evangelists have also added to the conservative surge over the past decade or so. Jerry Falwell was one of these evangelists who wielded considerable influence in the 1980s. His base was the Thomas Road Baptist Church in Lynchburg, Virginia, and he reached a national audience by way of his “Old Time Gospel Hour,” which was carried by over 300 television stations and reached an audience of tens of millions. In 1979, Falwell founded an organization called Moral Majority. Its basic purpose



Rush Limbaugh

(1951-)

Rush Limbaugh is a nationally syndicated conservative radio talkshow host. He was born and raised in Cape Girardeau, Missouri. Between 1960-1988 Rush was a disc jockey at various local and national stations and even broadcast Kansas City Royals baseball games in the 1980's. In 1988 his talkshow based in Sacramento, California moved to New York and went national. "The Rush Limbaugh Show" is aired by over 500 stations nation- wide and has steadily gained in popularity among listeners. In 1992, he launched the tele- vised version of "The Rush Limbaugh Show" to much success. Much of this success has been attributed to his humorous treatment of political issues and his lampooning of the liberal ideology. In the same short period of time he authored two bestselling books: The Way Things Ought To Be and its sequel: See, I Told You So. His outspoken political and cultural conservatism has been championed by conservatives longing for a voice in the media so long monopolized by the liberal establishment. His show has spawned dozens of imitators and has been credited with reviving a dormant AM radio.

was to restore moral values and beliefs in American life and to elect to office men and women who stood for these ideas. Falwell also founded Liberty University at Lynchburg as a haven for these beliefs. The Moral Majority's direct influence had declined by the late 1980s.

Pat Robertson was much more directly involved in television evangelism than Jerry Falwell. He got into the field in 1960 by buying a UHF station in Portsmouth, Virginia. From this base he founded the Christian Broadcasting Network, which became the fifth largest cable network in the United States. CBN spun off a variety of other organizations, including CBN University (now Regent's University) in Virginia Beach and National Legal Foundation. He launched a campaign for President of the United States in 1987, but 1988 was George Bush's year, not Robertson's. One thing that did come out of the campaign, however, was the Christian Coalition. It

still wields influence on elections. Many of Robertson's activities gave impetus to the conservative surge and may have their greatest influence in the legal field, where the great effort is to restore a clear understanding among lawyers of the original Constitution.

Conservatives of the 1950s-1970s in their writings were often concerned with the philosophical, religious, and historical foundations of conservatism or, as the case might be, libertarianism. The historical roots in opposition to the ideologies of the French Revolution were explored. The natural law from the Middle Ages and Roman times was sometimes recalled. The Constitution was reexamined for its essentially conservative and libertarian character. The belief in God which undergirded philosophy through the ages was often enough alluded to. Student discussions were sometimes larded with philosophical references to epistemology and ontology. Conservatives often recurred to first principles, as the Founders of the United States would have called it. Well they might, for they had a strong sense of their minority status and of the need to establish the grounds of their beliefs.

Indeed, it is in terms of these undergirding principles that the struggle for men's minds has gone on. But from the 1970s into the 1990s a shift in emphasis has occurred. Conservatism has been to considerable extent politicized. It has been broken down into an assortment of causes, each of which has one or more organizations to fend for it. Thus, the right to life, or anti-abortion movement, has organizations to picket, to publish newsletters and magazines, and to promote state laws and an amendment to the United States Constitution. The free market probably has more groups promoting its principles than has any other. Opposition to illegal immigration is gathering steam, as is advocacy of restricting immigration. Home-schoolers have an assortment of organizations, state, national, and local, a legal organization to defend members and the general principle of the right of parents to home school, a variety of home school magazines, and the like. The family has supporting organizations. One thing that this signifies is that as conservatives move into political power, there is greater interest in getting legislation favorable to conservative positions. Also, conservatives running for or attaining office needs things to do to help or benefit people in some



Pat Robertson

(1930-)

Pat Robertson is a religious network broadcaster. He was born in Lexington, Virginia and earned a BA from Washington and Lee University in 1950. He also received a degree from Yale and a Masters of Divinity from New York Theological Seminary in 1959. In 1960, he founded the Christian Broadcast Network and became host of the "700 Club" in 1968. In 1988 he launched a campaign to capture the Republican nomination for President of the United States. However, his bid was unsuccessful and he returned to full-time broadcasting. He has written numerous books which include: My Prayer For You, Beyond Reason, and his controversial The New World Order in which he warned of the conspiratory forces plotting a humanist one world government. In 1989 he started the Christian Coalition which is a grassroots organization for advancing the values of Christians and conservatives alike.

way. The Heritage Foundation, for the major example, has been busily devising plans for such programs and government activities.

Whatever the merits of these and other political activities, we may need to be reminded that political power tends to corrupt, that politics is a limited means to a limited end, that the struggle for men's minds has dimensions that are not political at all. We need to be reminded that conservatives are not revolutionists, not democratists, not utopians, tend to believe, with Thomas Jefferson, that abuses are to be tolerated as long as they are bearable, are not relativists, and tend to believe that in the midst of change there are things that endure or are eternal. They tend to focus upon the fixities, the unchanging, the underlying order and are generally favorably disposed toward order, tradition, and authority, to the nature of things.

The Liberal Evasions

Twentieth Century liberalism was an inconsistent hybrid misnomer for the policies, programs and goals it was alleged to describe. It

was a hybrid mixture, or compound, of 19th century liberalism and twentieth century progressivism plus socialism. Nineteenth century liberalism got its name from the devotion to individual liberty. It also comprehended an attachment to limited constitutional government, free trade, representative government, and those liberties such as freedom of religion, of speech, of the press, and freedom of assembly. Like George Washington and Thomas Jefferson, 19th century liberals did not generally favor entanglement with foreign governments. They were much more likely to be attached to the principle of national sovereignty.

To be liberal in the 19th century, if not before, was generally thought to be good. No doubt about it, 19th century liberalism was not compatible with socialism, and was an unstable mixture with 20th century progressivism. By the 20th century, socialists were inclined to the view that government should be used to gain control of the wealth in the country and to dispose of the wealth according to its prescription. That undertaking did not accord with limited constitutional government nor with much individual liberty. What socialists could not control, they usually regulated. Progressivism in the United States was a transition to the above mixture. Roosevelt's New Deal combined these elements in his programs and policies in the 1930s and called the result liberalism.

By the mid-1980s, liberalism was little more than an empty shell, as far as principles, ideals, or substantial beliefs went. The quest for utopia which had animated all socialisms had been spent. Socialism had been recognized for the fool's gold that it was. The liberal commitment to individual liberty and its accompanying freedoms had been left by the wayside during the building and growth of the Welfare State. The belief in universal progress, which was the sophisticated intellectual's version of utopia, could hardly survive the manifest failures of socialism.

Even so, the relics of 20th century liberalism are still around. They survive in the huge edifice of the Welfare State. They survive as the justification for massive bureaucracies in Federal and state governments. Above all, liberalism survives in the faculties of colleges and universities, where it still provides the *zeitgeist* for much that takes place there. It survives in the staffs of urban newspapers, on the editorial staffs of major television networks, and on

the staffs of most glossy magazines. The much despised media of communications is honeycombed with liberals, as are the hierarchy and much of the staffs of mainline churches, including most Catholic bishops. Liberalism survives, too, in the National Education Association—a virtual enclave of it—, in education departments of a thousand colleges and universities, and has many representatives and spokesmen among public school faculties. At present, liberal Democrats staff the office of President of the United States and command the departments of the government. They still abound in the halls of Congress, and are numerous as judges in the various courts of the land.

There is no place, however, to get a clearer picture of the empty shell of liberalism than in looking at the relics of public housing which litter large acreages in once great cities. These can be seen to no better effect than by taking a ride through the Bronx in New York City in almost any direction. Block after block of high rise brick buildings assault the eye—vacated, abandoned, or here and there occupied by interlopers, or what have you. They stand there as if they were the exposed ruins of some ancient culture. They are the relics of liberalism.

The main point here, is that the animating fire of liberalism—its ideology, its principles, if any, its vision—has burned itself out. It has left in its wake, however, a considerable portion of what has been called the American establishment and a large residue of law, practices, organizations, obligations, and commitments. Those who would defend these things are largely bereft of principles, morality, ideals. The response of the liberal establishment to the thrust of conservatism is not reason based on first principles; by and large they have no principles, first or second. Instead, they take evasive measures.

Liberals do have power in organizations and often authority over them. When confronted with conservative ideas and principles their initial response was to ignore them. When they could not do that, they ridiculed and scorned the conservatives. They called them names, such as: extremists, reactionaries, divisive, uncooperative, fascists, censors, bluenoses, and the like.

One evasion is to continue on with their programs, policies, and positions as if no challenge had been made to their ways. It may not

be literally to ignore something that has been done or happened; it is rather to ignore that this should have anything to do with their ways and practices. An example of how this was done occurred when Soviet Communism collapsed. The events are told elsewhere, but the liberal reaction to them needs to be explained here. The collapse was duly reported, of course, by the media in whatever form throughout the United States. In the wake of the events, however, the liberal establishment made it appear as if communism of any consequence had virtually disappeared from the earth, which was remote from the truth. In fact, communism is still very much in power: in China, in North Korea, in Vietnam, in Cuba, and to greater or lesser extent in some other places. But liberals go further than downplaying the continued existence of Communist Parties in power.

They act in important ways as if communism had never existed, as if tens of millions of people had not been starved, shot, tortured to death, and frozen in the prison camps in the far north. They evince little or no interest in the history of these doings, in what the archives that have been opened up prove about the terror or horrors or sedition committed during the years of Soviet Communism. More, neither liberals nor anyone else much shows any interest in the punishment of those still living who committed grotesque crimes between 1917 and 1989. Contrast the virtual silence about the Soviet Communist criminals with the great to-do about Nazi criminals after World War II, and since. Granted, the United States did not win a war against the Soviet Union and occupy the country, nor did any other country foreign to them. But the magnitude of the crimes, if such things can be measured, were much greater than were those of Hitler's Germany. Surely, they warrant a response more appropriate than a measured silence about all that has been. Instead of expressing horror and contempt, the last of the Soviet Communist dictators, whose extensive crimes were hardly minor, has been welcomed with open arms in many countries of the West.

No one has been smoother at making these evasions than President Clinton. The conservative position, as widely adopted in the Republican Party, is that the Federal government should be reduced in size and sway. Far from tackling this position at any principled level, Clinton acts as if the principle were his. He even set Vice President Albert Gore to the task of "reinventing" government,



Albert Gore, Jr.

(1948-)

*Al Gore is the Vice President of the United States, 1993-present. He was born in Washington D.C., the son of Democratic Senator Albert Gore, Sr. of Tennessee. He attended prestigious private schools and graduated from Harvard University with a BA in 1969. He then served a tour of duty in Vietnam as a reporter. He briefly attended Vanderbilt School of Religion and Vanderbilt Law School in the early to mid 70's. In this same period he was a writer with the Nashville Tennessean. In 1976 he won his father's old seat in the U.S. House and served from 1977-1985. In 1984 he was elected to the Senate where he served until 1993. He ran unsuccessfully for the Democratic nomination for president in 1988. He ran again briefly in 1992 before dropping out. He was chosen, however, that same year to run on the Democratic ticket with Bill Clinton which defeated President Bush in November. During the campaign Gore released his book *Earth in the Balance*, which warned of a coming global ecological disaster. He has adopted environmentalist causes as his own and has generally been known to vote liberal politically.*

whatever that might mean. Meanwhile, the President has rigorously opposed, by threat of or actual vetoes, virtually every effort to reduce government programs or phase them out. He affirms the principle, but opposes the application of it to particular programs and policies.

Equally important, liberals proceed with their own agenda without regard to positions enunciated by conservatives and buttressed by reasonable arguments. Of a sudden, as it were, the powers that be in the media or wherever proclaim that American Indians are to be called Native Americans. No hearings are held on the matter, no debates take place, nor are the pros and cons ever brought up for discussion. There are no two ways about it: Indians are Native Americans. No matter that this is a misuse and abuse of language; the alleged sensitivities of aborigines are such that they can only be assuaged by being awarded sole possession of the term "native" as a prefix for their designation. And so it shall be because this is a

liberal cause. By contrast, opponents of abortion have made it clear in every way available that they wish their position to be known as "pro life." This is a logical position, for they are indeed in favor of life for all innocent humans, including especially the unborn. The liberal media not only evade the issue but also refuse to call those in this category by their preferred title.

It does not bode well for the future of liberalism that is not animated either by ideology, strong principles, or ideals. Evasion can work, so far as it does, so long as the evaders occupy major media of communication and positions of power in colleges, churches, government, and foundations. Moreover, their appeal to assumptions and prejudices will work only so long as these are reinforced by informing ideas. Over the short term, though, evasion works much better for those who lack principle than grasping the nettle and taking on challengers with principles and ideas. The outcome of the struggle between conservatives and liberals has not yet been definitely settled. Rather, it is background for gridlock in America.

Chapter 5

Political Gridlock I— Reagan's Second Term

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal government and those reserved to the States or to the people....

If we look to the answer as to why for so many years we achieved so much..., it was because we unleashed the energy and individual genius of man to a greater extent than had ever been done before.

—Ronald Reagan, 1981

Chronology

1985—Congress passes Gramm-Rudman bill limiting deficits

1986—

April—U. S. war planes bombed Libya

June—U. S. officials declare AIDS spreading rapidly

September—Congress passed a comprehensive tax reform law

November—Democrats get majority in Senate in election

1987—

May—Senate-House open hearings on Iran-Contra Affair

October—Wall Street crash 1988—

Summer—worst drought in U. S. in fifty years

The most obvious and direct explanation of political gridlock is that those who govern are divided over what course to follow. That condition is reflected in the fact that neither Republicans nor Democrats have been able to dominate the government for very long or effectively during the decade under consideration. Republicans have held the office of President from January, 1981 to January, 1993. During that time, however, Democrats had majorities, usually sub-

stantial ones, in the House of Representatives. Republicans did control the Senate from 1981 to 1987, but from then until January, 1995 the Democrats controlled both houses of Congress. Thus, following the election of Clinton to the presidency in 1992, the Democrats controlled the elected branches of government. That was short-lived, however, because in the November elections of 1994, the Republicans obtained majorities in both houses of Congress. That was the first Republican majority in the House since 1949. No matter, the government was once again divided on partisan grounds between a Republican Congress and a Democratic President.

The Constitution neither prescribes nor mandates cooperation or collaboration among the branches of the government. On the contrary, the theory of checks and balances on which the Constitution was conceived, among other theories, anticipates that they will check one another from time to time by not cooperating. At any rate, the Constitution only prescribes that if certain kinds of action are to be taken two or more of the branches must give their consent. For example, for a bill to be passed by Congress, it must be approved by both the House and the Senate. For a bill to become law, one of three possibilities must take place: (1) it must be signed by the President; (2) it may be allowed to become law by the inaction of the President, if he does not act upon it for a period of ten days while the Congress which passed it remains in session; or, if the President veto the bill, it must be passed by two-thirds majorities in each of the houses. But in no case does the Constitution require that any body consent to any bill or proposal. And where the Constitution requires that consent be given for action to take place, if consent is withheld, the government does not act. In sum, the Constitution contemplates inaction by the government, if not usually, at least as a relevant branch chooses.

The potential for mischief by government is at best considerable and at worst quite likely. Thus, while a deadlock or gridlock of government may sometimes be troublesome, even disastrous, it is usually preferable to ill considered or untimely action. That is, gridlock may sometimes be advantageous and even appropriate. Even so, divided counsel is hardly more wanted from government than from parents in the home. If there are directions that need to be taken, decisions that have to be made, and actions that are wanted, gridlock is in the way.

Over the past decade, there has been an ongoing contest between the legislative and executive branches of the government, between the House and the Senate, between the Congress and the President. Much of this contest is over profoundly different assumptions and beliefs about what government can and should do, about what is constitutional and what is not, whether there is a natural God created order or whether every nook and cranny must be filled with government power. Many of these differences come out on such practical questions as what sort of persons should be appointed to the Federal judiciary, should spending be cut or taxes increased, are deficit spending or balanced budgets in order? Should the powers of the courts be limited? Do the courts have the only and last word in interpreting the Constitution? It is over questions such as the above in the past decade that political gridlock has more or less obtained.

The Election of 1984

Ronald Reagan's reelection in 1984 was by an overwhelming landslide. In the electoral vote, he carried 49 of the 50 states, and won over Mondale by 525 electoral votes to 13. Walter Mondale carried only his home state of Minnesota and the District of Columbia. The popular vote was overwhelming as well: 54.5 million for Reagan to 37.5 million for Mondale.

The Democrats generally believed they had a much better chance of electing a president than that. The primaries had been vigorously contested. Senator Gary Hart of Colorado emerged as the frontrunner with a victory in the New Hampshire primary. His main opposition for the Democratic nomination was the Rev. Jesse Jackson and Walter Mondale, who had been Carter's Vice President. Jesse Jackson, though he had never held public office, made somewhat of a showing with his talk of forging a "rainbow coalition" which would carry the election. Hart was handsome, youthful looking, and spoke confidently about the fresh new ideas he would bring to the highest office in the land. Show business liberals flocked to his banner, adding more fluff to his showing.

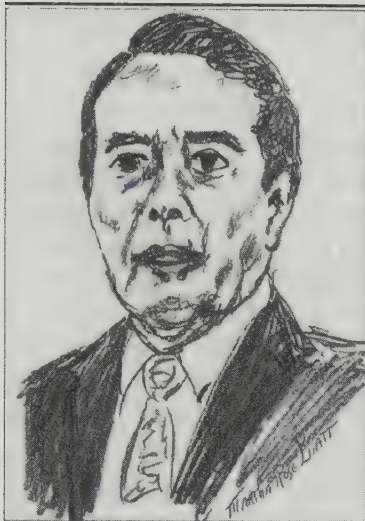
Hart was riding for a fall, however. The press got wind of his adulterous activities (called "womanizing" by the press), and queried him about them. Hart challenged the media to prove the allegations,

which they did with his careless cooperation. Reporters observed a young woman going and spending time with him in his apartment. When this and other assignations were made public, Hart's support vanished.

Walter Mondale won the nomination and named Geraldine Ferraro to run with him for Vice President. They never caught fire; Ferraro's background hurt rather than helped Mondale's candidacy. By contrast, Reagan's vibrant campaign and appealing ideas captured the hearts and minds of much of the electorate. As historian Alan Brinkley has written, "...the 1984 election seemed to be the dawn of a new conservative era."

If they expected so much, they were on their way to being more than a little disappointed. It was much more of a personal triumph than it was a resounding victory for his ideas. The House of Representatives, as already noted, remained under Democratic leadership, and the Senate had one less Republican, though still a majority, in the Senate. Even a senatorial majority by no means assured support for the President's programs. Not only are Senators too independent for that, but several of them leaned to the liberal side on many issues, and on any issue where the Democrats held together they were apt to pick up at least a half dozen votes from Republicans. Senator Robert Dole was the Republican Majority Leader in the Senate until the Democrats took control in 1987. He was an effective leader, more attuned, however, to compromise than to attacking head-on. Leadership is much more dominant in the House, where Thomas P. (Tip) O'Neill held sway. In any case, Reagan and Congress often locked horns, so to speak, over the course of the country, and especially after 1986 Congress was more apt to win than not.

In addition, in 1984 Ronald Reagan was the oldest man ever to be elected President. He was 73 years old, an age when most men have retired from active life and have lost their taste for bold action. He could and did speak of restoring the United States to its constitutional moorings, but the task was at least a daunting one, if it could have been achieved. In many areas, he did not press to achieve it, and to the extent that he did press he failed. Age may not have been the reason for his failures—Congress caused those—but he might have tried more if he had been younger.



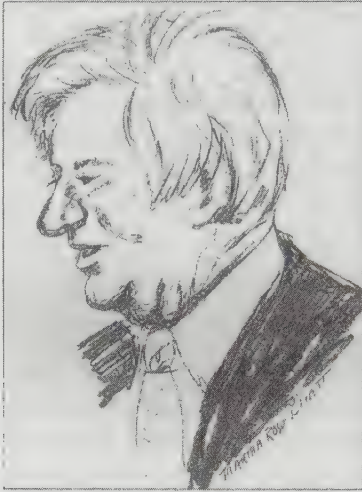
Robert J. Dole (1923-)

Robert Dole is a Senator from Kansas and has been one of the most outspoken leaders of the Republican party for three decades. Born in Kansas in 1923, Dole earned an AB from Washbourn Municipal University in 1952. From 1943-1948 he served in the United States Army and fought in World War II. In the war he was wounded and received a Purple Heart and a Bronze Star with two clusters. After returning to civilian life he served in the Kansas Legislature from 1953-1961. In 1960 he was elected to the House of Representatives where he served until 1968. In that year he was elected to the Senate, where he has served since 1969. He chaired the Republican National Committee from 1971-1972 and ran as vice presidential candidate on the Ford ticket in the 1976 presidential election. The ticket lost to Jimmy Carter, but Dole made another attempt at the Oval Office in 1988, eventually losing the Republican nomination to Vice President George Bush. When the Republicans won control of Congress in 1994, he became the Senate Majority Leader and was the favorite to win the party's nomination for President in 1996. Politically, Dole ranges from moderate to conservative, but he is better known for compromising and negotiating than for firm political positions.

In any case, Reagan talked conservative rhetoric throughout his presidency, but he made only limited inroads with conservative acts.

Economic Thrusts

Most of Reagan's successes came in the first two years of his second term. His most successful economic move was the Tax Reform Act of 1986. It reduced personal income tax rates to 15 and 28 per cent respectively, and corporate income tax rates to 34 per cent of profits. It did not entirely dispose of graduated income taxes, but it was a long step in that direction. He wrote in his autobiography, "With the tax cuts of 1981 and the Tax Reform Act of 1986, I'd



Thomas P. "Tip" O'Neill

(1912-1994)

*Thomas "Tip" O'Neill was Speaker of the House during the Carter and Reagan years and leader in the Democratic party. Born in Massachusetts in 1912, O'Neill graduated from Boston College in 1936 and began his political career as a Democrat in the Massachusetts House of Representatives. While serving as the Speaker there from 1949-1952, he became a strong supporter of New Deal liberalism and big government. In 1952 he ran for and won John F. Kennedy's vacated seat in the U.S. House. His political career reached a peak when he was elected Speaker of the House in 1976. There he served until his retirement in 1987. Throughout his career, he advanced the welfare state and loyally supported Democratic liberalism and fought against the conservative tide of the Reagan Administration of the 1980s. Upon his retirement in 1987, he wrote his memoirs in *Man of the House*. He received the Presidential Medal of Freedom in 1991.*

accomplished a lot of what I'd come to Washington to do." He described the effect of the changes this way: "Under the new laws, more than eighty percent of Americans paid the lowest tax rate, fifteen percent, or no tax at all...." As for the others, "Knowing they could now keep seventy percent of what they earned instead of paying seventy percent of it to the government, the most affluent Americans invested in new projects and new ideas...." In sum, Reagan wrote: "We got government out of the way and began the process of giving the economy back to the people...." (Ronald Reagan, *An American Life* [New York: Simon and Schuster, 1990], pp. 334-35).

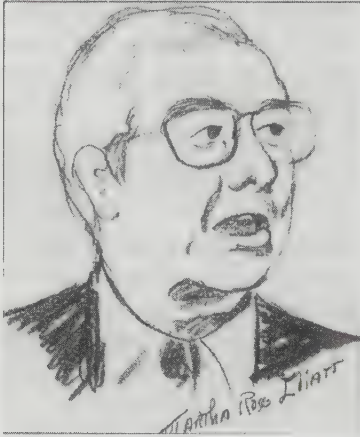
Both Reagan terms were marred by deficits that put all other administrations in the shade of them. The deficit was nearly \$79 billion at the end of his first year in office. It was over \$212 billion in 1985, and over \$221 billion in 1986. While he never got a handle on it, it was reduced somewhat in the succeeding years. The national debt gives an even more dramatic side of what was happening. It

went over \$1 trillion early in 1982 and was closing in on \$3 trillion in 1989.

These developments occurred during the Reagan administrations, but his was not the lone responsibility for them. The Congress was equally to blame, if not more so. Congress is responsible for raising revenue, making all appropriations, and authorizing borrowing. It must act on all these matters before the President can constitutionally do anything other than make recommendations. Once the Congress has taken action regarding taxing, borrowing, and spending, they become a joint responsibility of Congress and the President. The President may veto measures passed by Congress, but Congress has the ultimate responsibility because it can pass them by two-thirds majorities over his veto.

What happened during these years does not reflect especially well on either the President or Congress as far as deficits and debt goes. One legislative effort was made to hold the deficits in check. It is known as the Gramm-Rudman bill, and it was first brought up in late 1985 and was passed in 1986. It was introduced in the Senate by Phil Gramm of Texas, Warren Rudman of New Hampshire, both Republicans, and Democratic Ernest Hollings of South Carolina. Its purpose was to force reductions in the deficit each year by equal amounts until the budget would finally be balanced in 1991. If these goals were not attained, the President was supposed to reduce the budget across the board—with various exceptions—until the goals had been met. Gramm-Rudman may have checked spending to some extent, but it never came close to balancing the budget.

The Democrats blamed the Republicans for the high deficits and mounting debt. They said the Reagan tax cuts had left the government short of necessary funds. On the other hand, the Republicans blamed the Democrats for causing the deficits by not reducing spending. Actually, President Reagan did evince more enthusiasm for cutting taxes than he did cutting spending. Many Republicans in Congress joined him in this attitude, as did some Democrats. So far as they favored cutting spending—which was not very far—Democrats and Republicans differed generally about where the cuts should come. Democrats inclined to favor cuts in defense spending, while Republicans favored increases in defense and cuts in government subsidies and welfare programs.



Phil Gramm (1942-)

Phil Gramm is an outspoken Republican Senator from Texas, an economist, and a leader within the Republican party. Born in 1942 in Fort Benning, Georgia, Gramm earned his BA and Ph.D. from the University of Georgia. From 1973-1978 he taught at Texas A & M. He was elected to the House of Representatives in 1978 where he served until 1985 when he moved up to the Senate. Initially a Democrat, Phil Gramm became a Republican and made a bid for his party's presidential nomination in 1996. After early primary defeats, he withdrew from his once promising candidacy. He has generally been one of the leading conservative voices in Congress on both social and economic issues.

For example, in the 1986 budget which the President sent to Congress he proposed to increase defense spending, to eliminate the Job Corps, the Legal Services Corporation, the Small Business Administration, subsidies for mass transit, and subsidies for rail and air passenger services. In addition, President Reagan proposed reducing student aid and farm subsidy programs, and the salaries of Federal employees. Congress was soon deadlocked on the budget, but meanwhile, it passed a bill to give additional aid to farmers. Reagan vetoed that bill, but the contest continued on the budget, finally ending in compromises which insured the continuation of deficit spending at high levels.

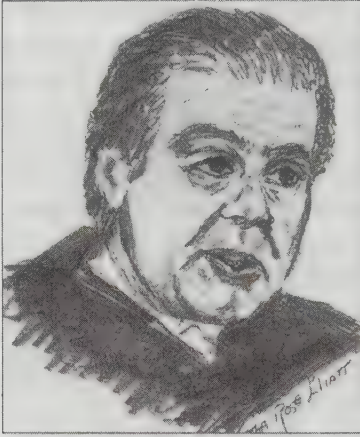
Reagan had more success in defending free trade against sentiment in Congress for restrictions. When the U. S. International Trade Commission proposed import quotas on shoes in 1985, Reagan rejected the idea. He maintained that shoe quotas would result in higher prices for American consumers and might result in retaliation from countries hurt by the quotas. Along the same lines, the President signed a trade agreement with Canada in 1988 that would eliminate most trade barriers between the United States and Canada during the course of the next decade. Even so, his position on free trade in 1988 was not so firm as it had been earlier. Congress passed some comprehensive trade measures and, after some maneuvering, the President signed the bill.

If he had been willing to reduce defense spending enough, Reagan might have come closer to a balanced budget. The fact was that Congress would not yield much on the welfare programs and Reagan tried to get as much as he could for defense. He had come to office intent on a considerable military buildup, and he stuck with that goal throughout the two terms. There is every reason to believe from later events that the military had been brought up to a fine fighting trim during his years, though the major proof would not occur until he had left office. The collapse of the Soviet Union was surely affected by the military buildup during the Reagan years, but that did not take place during his second term. The Air Force performed well in its one combat showing during these years. U. S. military planes bombed targets in Libya on April 14, 1986. This was in retaliation for terrorist attacks launched by Libyan dictator Muammar Qaddafi. Qaddafi had strutted about in his uniform before the air attack, but he was apparently scared out of his wits by the attack and maintained a low profile afterward.

The Constitution and the Supreme Court

One of Reagan's aims was to turn the Federal courts from their judicial activism, to get them to playing a more limited role in government, and to return to basing decisions on the Constitution as originally conceived and written. Attorney General Edwin Meese on at least one occasion publicly criticized the Supreme Court for decisions it had made. Meese got much criticism himself from the media and even from some members of the high court for his remarks. Efforts to discredit and drive him out of office accelerated after that.

One of the major ways a president can have an impact on Federal courts is by his power of appointment. While Reagan had the occasions to appoint many Federal judges, he made only one Supreme Court appointment—Sandra Day O'Connor—before 1986. In 1986, Chief Justice Warren Burger retired from the court. This created not only a vacancy on the court but also provided Reagan with an opportunity to nominate a new head of the court. Burger may



Antonin Scalia (1936-)

Antonin Scalia is a conservative Justice on the United States Supreme Court. Born in 1936 in Trenton, New Jersey, Scalia earned his AB at Georgetown in 1957 and his LLD at Harvard Law School in 1961. After teaching at the University of Virginia Law School from 1967-1974, he served for three years in the U.S. Justice Department. From 1982-1986 he served as a judge on the U.S. Court of Appeals in Washington D.C. Scalia was nominated for a seat on the Supreme Court by President Reagan in 1986. Once confirmed by the Senate, Scalia, the first Justice of Italian descent, has voted conservatively and has helped shift the Supreme Court back to the wording of the Constitution. He is also one of the three Roman Catholic justices on the bench.

have been more concerned with consolidating his leadership than he was in moving the court in any particular direction, though the two aims are not always, if ever, distinguishable. At any rate, his opinions and votes were neither consistently conservative nor liberal.

Reagan nominated the most conservative member of the court at that time, Justice William H. Rehnquist, for Chief Justice. To fill the vacancy on the court, he nominated Antonin Scalia. Scalia is a tough minded careful reasoner, who could perhaps be best described as a libertarian-conservative. The Senate under Republican control approved both these nominations and the men took their places on the court.

Reagan's next opportunity to fill a vacancy on the Supreme Court did not go well at all. Justice Lewis Powell retired in 1987. The Democrats had regained control of the Senate, and they were ready to block any candidate to the court not to their liking. Reagan obliged them, though not intentionally, by nominating Robert Bork to fill the vacancy. Bork was well qualified for the position. He had been a law professor at Yale, Solicitor-General of the United States, and a judge on U. S. Court of Appeals in the District of Columbia. The clarity and brilliance of his decisions and other writings show a powerful mind at work. President Reagan said that Bork was a

“prominent and intellectually powerful advocate of judicial restraint.”

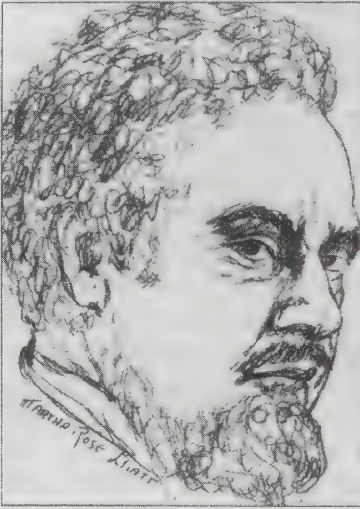
Bork's approval was vigorously opposed by some of the members of the Judiciary Committee, by the National Education Association, National Organization of Women, and the National Association for the Advancement of Colored People. Senator Edward Kennedy, a Democrat from Massachusetts, attacked Bork as being an extremist. Republican Robert Packwood of Oregon announced that he would filibuster in the Senate when the question came up if Bork did not agree to accept the finality of *Roe vs. Wade*, which conferred the “right” of women to have abortions. Conservative organizations and other supporters sought to get his appointment approved.

Bork was not intimidated by his opponents. He went before the Senate Judiciary Committee and made a spirited defense of his views. He declared his belief that judges should be guided in their decisions by the intent of the provisions of the Constitution as it could be determined by analysis, declarations, and historical evidence. He stuck by his view that the abortion decisions of the Supreme Court were ill founded. Reagan promised that if Bork's nomination was rejected he would send another candidate no more pleasing to the Democrats.

Neither Bork's courage in the face of opposition nor Reagan's determination to stick by his candidate could prevail over the Democratic majority spoiling to reject the nomination. Republican Senator Arlen Specter joined the majority of 9 to 5 on the Judiciary Committee who refused to recommend his approval and declared him unfit to sit on the Supreme Court. The Senate rejected him as well.

In November of 1987, Reagan nominated Robert Ginsberg to fill the Powell vacancy. He was soon under fire as well. He made matters much worse for himself when he admitted to having smoked marijuana on several occasions in the 1970s when he was on the faculty at Harvard. Such a furor arose over this information that Judge Ginsberg withdrew himself from candidacy.

Faced with an obstreperous Democratic Senate ready to launch a sustained attack on any conservative he might nominate, Reagan backed down. He nominated Anthony Kennedy, who had apparently never made any vocal enemies nor said anything that liberals might call “controversial.” On February 3, 1988, Kennedy was approved by



Robert R. Bork (1927-)

Robert Bork is a lawyer, former federal judge, conservative Constitutional scholar, and one time Supreme Court nominee. Born in Pennsylvania in 1927, Bork earned his BA at the University of Chicago in 1948 and practiced law from 1955-1962 before teaching it as an associate professor at Yale University. From 1973-1975 he worked in the Department of Justice and later served as a circuit judge of the U.S. Court of Appeals from 1981-1988. In 1987 he was nominated by President Ronald Reagan for a seat on the Supreme Court. A Democratic majority-led Senate rejected him due to his conservative views on the Constitution. Among his writings are: The Antitrust Paradox and The Tempting of America.

the Senate 97-0 and has upset no judicial applecarts during his time on the high court.

President Reagan left office without getting a clear cut conservative majority on the Supreme Court. Moreover, he was thwarted by Congress in at least one instance where the Court had ruled in a way to limit the powers of the Federal government. The case was *Grove City College vs. Bell*. After the Supreme Court heard the case in 1984, it ruled that Federal anti-bias laws relating to sex, race, and physical handicaps applied only to those parts of an institution that received Federal funds. What Grove City College, which by policy did not accept Federal funds, sought was freedom from the onerous business of keeping and filling out all the records arising from the enforcement of these laws. They had won their case in the highest court. In 1988, Congress attacked the decision head-on by passing a bill that applied the anti-bias laws to all private organizations and corporations which provided certain services, which included colleges and universities. President Reagan vetoed the bill. Whereupon, the House and Senate overrode his veto by the necessary two-thirds majorities, which included substantial numbers of Republicans.

Any bill extending the alleged rights of minorities could command substantial majorities during these years.

The Iran Contra Affair

The struggle between the Reagan Administration and Congress sharpened in the last years of the Reagan presidency. Undoubtedly many Democrats were taken with the way they had been able to discredit and drive President Nixon from office with the Watergate investigations. They sought to do something like that to Reagan as well. The charm and personal popularity of Reagan as well as his caution enabled him to elude their efforts to discredit or incriminate him. The media cohorts of the Democrats labeled Reagan's a "teflon" presidency to which none of their charges stuck. Even so, the Democrats kept up an ongoing clamor about the alleged malfeasances of appointees of Reagan. The alleged doings of these people were called scandals by their accusers, though it is by no means clear whether the scandals were what Reagan's appointees had done or how they had been driven from office by Congress. Two members of the cabinet were even driven from office by these charges. The first was Secretary of Labor, Raymond Donovan, who took a leave of absence in the fall of 1984 from his post after being indicted by a New York court for allegedly defrauding the New York City Transit Authority. The events about which he was charged had occurred before his appointment to Reagan's cabinet. Donovan denied that he was guilty and tried to get the charges dismissed. When that failed, he resigned from his cabinet position in March of 1985. He was tried and found not guilty two years later, after several years had been ripped from his constructive life; his political career had been ended, himself stuck with the costs of an expensive legal defense, and left with a footnote in history about a "scandal" in the Reagan Administration.

Edwin Meese was in trouble with the Senate even before he became Attorney General. He had drawn fire as an adviser to Reagan. Thirteen months elapsed between the time Reagan nominated him for the post and Senate approval of him to the cabinet. He was charged before the Judiciary Committee with having helped some people get government jobs who had financially aided him. An independent counsel appointed to investigate Meese concluded that he had broken no laws by helping people to get jobs. After hearings resumed in the committee, Democrats continued to complain about



Edwin Meese (1931-)

*Edwin Meese was a top official in the Reagan Administration. Educated at Yale University and the University of California at Berkeley, Edwin taught law at the University of San Diego Law School, and held a senior position in the California state government under Gov. Ronald Reagan during the 1960s. In 1980 he headed Reagan's Presidential Campaign. After the election, he served as a counselor to President Reagan from 1981-1985 and was Attorney General from 1985-1988. Since 1988, he has been a Distinguished Fellow of the Heritage Foundation, a conservative think tank, where he wrote his memoirs of the Reagan years, *With Reagan: The Inside Story*.*

the "ethical" violations committed by Mr. Meese. Senator Joseph Biden of Delaware declared that Meese's conduct was "beneath the office." The Senate finally approved the appointment in March of 1985.

But Congress was hardly finished with hounding Edwin Meese. They kept it up off and on, mostly on, until he finally resigned from office in 1988. Meese was never charged with any crime nor found guilty of any wrongdoing, but the effectiveness of a fine man in public office was certainly shortened and probably reduced by all the investigations and carpings. Some officials in the Environmental Protection Agency resigned under fire for allegedly failing to apply the laws vigorously. And there were some forced resignations in the CIA and Defense department.

But it was the Iran-Contra affair that set off the Congressional watchdogs with full force. This affair might have the potential for at least scandalizing the Reagan presidency, if not bringing it down. It was a foreign affair with overtones of Middle East intrigue and Cold War intervention. Congress had been bent for more than a decade before Iran-Contra in reining in what historian Arthur Schlesinger, Jr. had described as *The Imperial Presidency*. Democrats under the sway of what they generally thought of as the Vietnam fiasco and the

Nixon misuse of government power, had passed laws to limit and restrain the presidency. They were particularly unfriendly to anti-Communist activity and were eager to cut Presidents off at the pass, so to speak, who might be instigating any move in that direction.

Iran-Contra triggered congressional alarms as soon as it surfaced. The affair began to become public knowledge in late 1986 when word came from Beirut of an American shipment of arms to Iran. Iran was at war with Iraq and had been on bad terms with the United States going back to the hostage crisis of the Carter years. Moreover, Iran still had American hostages. According to reports, National Security advisor Robert McFarlane had led a secret mission to Teheran, Iran offering some munitions in return for Iranian policy changes. In November of 1986, President Reagan told Congress that a small arms shipment had been made to Iran, and in a televised speech said the purpose of the shipment was to improve relations with Iran and eliminate their support of terrorists. He hoped that hostages would be released as a result of better relations, but he maintained that no deal had been struck with Iran over the hostage question.

It turned out that in the course of 1986 the United States had shipped arms to Israel, which were then sold to Iran. Israel paid the Defense Department for the cost of and made the profits from the sale available to the Nicaraguan Contras—a group in Nicaragua fighting the Communist government of Daniel Ortega. The Israelis made these latter payments under the guidance of Lt. Col. Oliver North of the National Security Council. North operated under the authority of Admiral John Poindexter in the National Security Council. On November 25, 1986, President Reagan announced that Admiral Poindexter had resigned and that Colonel North had been relieved of his duties. Robert McFarlane had already resigned from his post in the government.

Reagan then appointed a review board to investigate and report on the National Security Council. John Tower, a former Senator from Texas, was to serve as chairman; Brent Scowcroft, a former advisor to Gerald Ford, and Edmund Muskie, a Democrat who had served in the Senate and as Secretary of State, were also on the board. The Tower committee report found fault with the way the National Security Council was run and claimed that Reagan did not maintain



Oliver L. North (1943-)

Oliver North came to national attention during the Iran-Contra hearings before a congressional committee in 1987. He emerged from the hearings as something of a hero to many people by his aggressive defense of what he had done. Nonetheless, there was a determined effort, sparked by some members of Congress and doggedly pursued by the Independent Counsel, to punish him for his aid to the Contras. He was dismissed from his position on the National Security Council in 1987, and resigned from the military service in 1988. In 1989, North was charged with a variety of violations of the law, was found guilty of some of them, fined and sentenced, but the sentence was suspended. On appeal, he was cleared of the charges against him. His book about his experience sold well, and he retained his popularity, especially among conservatives. In 1994, North made an unsuccessful run for the Senate in Virginia, and in 1995, became the host of a popular radio talk show. North was born in Texas, trained at Naval Academy at Annapolis, was a decorated platoon commander in Vietnam, and retired from the Marines as a Lt. Colonel.

control over its activities. At any rate, other investigations were in the offing. On December 19, 1986, Lawrence Walsh was appointed independent counsel to investigate both the sale of arms to Iran and aid to the Contras from whatever sources. Before the counsel could make much headway, however, a joint House and Senate committee was organized and authorized to hold hearings. Earlier, both North and Poindexter refused to testify before Congress on the grounds that they might incriminate themselves. Robert McFarlane did testify without immunity.

But the high point for many of those who watched the Congressional hearings came when Oliver North testified. He was dressed in his marine uniform—a national hero, President Reagan had declared—, his chest overflowing with ribbons, some attesting to his heroism; he was handsome, assured, quiet but passionate. Congressional committees usually overflow with self-righteousness, its members

prepared to feast on the human foibles of error prone witnesses. North quickly turned the tables on Congress. As an article in *Time* said, North “took the forum away from the politicians. He played over the heads of the joint committee, aiming his passionate rhetoric and complex charm at the 50 million people watching on television....” North “did not behave like a guilty character.... Instead, he arrived surrounded by an aura of honor and injured virtue.” (*Time*, July 20, 1987, p. 12) For a few days while he testified in mid July Iran-Contra had the best defense it ever got in the person of Oliver North. North always maintained that he was following the orders of the President, carrying out his policies by raising funds for the Contras. He had also worked with CIA Director, William Casey, he declared. (Casey had died before the Iran-Contra hearings, though he had testified at a Senate investigation.)

Toward the end of the hearings, on August 1, President Reagan said, “I haven’t heard a single word that indicated in any of the testimony that laws were broken.” Be that as it may, the investigation did not end with the Congressional hearings. Independent Counsel Lawrence Walsh continued his investigation almost interminably, long after Reagan had left office. Indeed, North was eventually charged with wrongdoing, tried and found guilty, but that decision was later reversed.

What was going on in the Iran-Contra Affair was not very close to what the various investigations and hearings supposedly exposed. Rather, it was a part of the unfolding story of gridlock in America, of government by the differing policies of a Republican President and a Democratic Congress. The sale of arms to Iran was probably ill advised so far as any impact on Iranian policies was concerned. Its justification lay elsewhere—in a desperate effort to raise money that Congress would not appropriate to aid the Contra opposition to the tyrannical Sandinista Communist regime in Nicaragua. Iran-Contra was a part of the Congressional effort to micro-manage the foreign policy of the United States.

Congress, presidents, and courts have long exceeded powers given to them by the Constitution. By comparison with these acts contravening the Constitution, it was a small matter indeed whether Oliver North or Robert McFarlane or John Poindexter, or, for that matter Ronald Reagan, violated the Boland Amendment, which was

a dubious assertion of Congressional authority to micro-manage foreign affairs. Congress was straining at gnats while swallowing camels. Reagan might have accomplished much more than he did if he had not been so hamstrung by Congress. If those in the Democratic Congress seeking scandal in the Reagan Administration hoped to discredit Reagan or drive him from office they largely failed. They were never able to pin the diversion of funds to the Contras on him, and he was so far from being discredited generally that his vice president was elected to succeed him.

Chapter 6

The Collapse of Communism

*Humpty Dumpty sat on the wall, Humpty Dumpty had a great fall
All the king's horses, And all the king's men, Couldn't put
Humpty Dumpty Together again.*

—Mother Goose Rhymes

Chronology

1985—

March—Mikhail Gorbachev chosen head of Soviet Union
November—Reagan-Gorbachev Summit in Geneva

1986—October—Reagan and Gorbachev meet in Iceland

1987—December—Reagan and Gorbachev meet in Washington

1988—Gorbachev announces Soviet troop reductions in Europe

1989—

February—Soviet withdrawal of troops from Afghanistan

June—Tiananmen Square massacre of student demonstrators

August—Solidarity official becomes prime minister of Poland

September—Hungary cuts down border barrier with Austria

October—East German dictator, Erich Honecker, is ousted

November 9—Berlin Wall broken down

November 17—Bulgaria Communist Party head calls for free elections

December 3—Bush and Gorbachev meet at Malta

December 25—Romania Communist dictator Nicolae Ceausescu is executed by the army

December 29—anti-Communist Václav Havel elected president of Czechoslovakia

1990—

January—Romania outlaws Communist Party

February 7—Soviet Central Committee removes Communist monopoly of political power

February 25—Violetta de Chamorro wins presidency of Nicaragua

March 11—Lithuania declares independence of Soviet Union

March 18—free national elections held in East Germany

May 3—non-Communist Jozsef Antall asked to form government for Hungary

May 4—Latvia declares independence of Soviet Union

May 29—Boris Yeltsin elected president of Russian Federation

August 1—Bulgaria elects non-Communist president

August 3—Hungary elects dissident writer Arpad Gonez president

August 23—Armenia declares independence of Soviet Union

October—Supreme Soviet guarantees freedom of religion

December—Foreign Minister Edward Shevardnadze resigns, warns of Gorbachev dictatorship

1991—

February—Czechoslovakia, Hungary, agree to have free market

August 19—coup attempt in Soviet Union by Communists

August 22—Russians celebrate failure of coup

August 29—Gorbachev resigns as head of Communist Party

September—Macedonia declares independence of Yugoslavia

December—Russia, Belarus, and Ukraine establish a Commonwealth

1992—

February 1—Bush meets with Yeltsin at Camp David

February 7—Yeltsin signs treaty with France's president

March 10—Shevardnadze joins independent government of Georgia

March 22—Albania's Democratic Party defeats Communists

November 9—Yeltsin signs treaty of friendship with
Prime Minister

John Major of Great Britain

November 25—Czechoslovakia agrees to breakup into
separate Czech and Slovak republics

1994—

November—Bosnia gains back territory from Serbia

December—Russian troops invade Chechnya

1995—

October—cease fire in Bosnia

In the fall of 1989 the land barriers between East and West were removed at the Hungarian and Austrian border and between East Germany and West Germany by the tearing down of the Berlin Wall. In two years, by the fall of 1991, the Soviet Union had been dismembered and the Communist Party dispossessed. It had all happened quickly, much of it almost silently, with only a limited outbreak or confrontation here and there. Yet these were momentous events and developments that took place in this short span of time. World Communism collapsed at its center and the collapse spread outward to its periphery. The Soviet Union, the largest country—or empire—in the world broke up and ceased to exist. The captive or satellite nations on its west broke away, and Communist parties, some of which governed countries, were cut loose from the central party which had sustained and controlled them.

How and why could this vast empire with its international system of expansion and control dissolve so quickly? Hardly anyone would have predicted it in 1989 or anywhere near that. True, Professor Zbigniew Brezezinski of Columbia University, and earlier President Carter's security adviser, had got out a book in 1988 entitled *The Grand Failure: the Birth and Death of Communism in the Twentieth Century* in which he spoke of the "accelerating velocity of communism's historical disintegration." But even he did not predict that it would be all over in two or three years. To most outward appearances the Soviet Union was strong, powerful, its leaders

confident, its government largely unchallenged, and its sway, if anything, expanding. In retrospect, which is one thing history has going for it, we know that was largely an illusion. The disintegration did come quickly and largely unexpected. But the way was prepared by both short term and long term changes.

The swift disintegration was preceded by a long term decline of belief in the Communist ideology and the myths which sustained it in power. To thoughtful people, and perhaps to not so thoughtful people, the slogans and promises of Communism were untrue and unfulfilled. Soviet Communism had failed; it had failed to provide people with goods and services economically and competitively; it had failed to root out self-interest; it had failed to build a new society. It had succeeded in erecting a massive state which had imposed an oppressive system on the Russian peoples. For many decades, especially under Stalin, it had isolated the people from the rest of the world, so that people lacked many of the comparisons which would have highlighted the failures.

Many buildings had the Marxist slogan—“Religion is the opiate of the people”—on their facades, yet the flame had not been entirely extinguished. Two Americans in the Soviet Union in the 1970s reported a poignant appeal from an old man for a return to Christianity. He said, “We were better off when we could appeal to human values, the values of the church. Our lives were richer and we had the excitement and mystery of holy days. We had a sense of man. Now all we have are empty slogans and corruption. The Revolution destroyed Christianity in Russia and it also destroyed the Russian spirit” “(Leona and Jerold Schechter, *et. al.*, *An American Family in Moscow* [Boston: Little, Brown and Co., 1975], p. 104)

There was increasing information from the 1970s onward that many people under Communism were disenchanted with it. Hedrick Smith reported this conversation in the 1970s:

“You have to go to these political meetings but nobody listens,” said a plump Leningrad schoolteacher in her late thirties.... “When the director of our school gives the lecture, he tries to make it interesting. He’s a nice man—a Party member but a nice man. But everyone is bored and nobody believes it.”

“What about the person giving the lecture?” Ann asked her.

“Even he doesn’t believe what he is saying. The older generation believed in Lenin and they felt this was the way to build a new society. But my generation doesn’t believe it at all. We know it’s false.” (Hedrick Smith, *The Russians* [New York: Quadrangle, 1976], p. 104)

Smith presented evidence that indicated that even people at the highest level in government—in the Politburo, for example, might not believe in the promises of Communism.

Before 1985, however, there was no means available to make public their lack of belief in the system nor act upon it without the danger of dire consequences. Political power was a monopoly of the Communist Party—made up of professed believers. All the media of communication were owned and controlled by the government—newspapers, radio, television, journals, and printing presses. No organization was allowed outside of government control. Only Party nominees were permitted to run for office.

The situation began to change after Mikhail Gorbachev took over in 1985. Born in 1931, Gorbachev was the youngest man to occupy the top position in the Soviet Union since Joseph Stalin. Of more importance in explaining him, perhaps, is the fact that he was the first Soviet ruler born after the Bolshevik Revolution. In fact, he only reached full manhood one year before Stalin died. Thus, he only knew second hand, if at all, of the harshness and brutality with which totalitarian rule was established and maintained during the 1920s and 1930s. There is every reason to believe that he understood fully the role of Communism in holding power in the Soviet Union and that he intended to hold on to power as long he could. But when the time came to use force, he lacked the will and determination.

There is reason to believe that he was more interested in, conscious of, and influenced by the West than any of his predecessors. Being younger than most of his predecessors, he was probably much more aware of technological changes and their potential impact on affairs than they were. He met repeatedly with Reagan from 1985 to 1989. While they were agreeing to reduce atomic missiles, Reagan

kept the pressure on otherwise. The United States continued to aid the resistance in Afghanistan to the Communist supported takeover. Reagan continued to insist on developing the Strategic Defense Initiative. When Reagan and Gorbachev met at Reykjavik, Iceland in October, 1986, it became the prime issue separating them. As one report said, "But Gorbachev objected strongly to SDI—as he had in the past—claiming the U. S. plan for strategic defense would be destabilizing, allowing the United States to strike the Soviet Union first while protecting American soil from Soviet retaliation. Reagan offered to postpone deployment of SDI and share its secrets with the Soviet Union if meaningful progress was made in reducing offensive nuclear weapons." But Gorbachev would have none of SDI, while Reagan was unwilling to forego it. (*The World Almanac*, 1987, p. 916) Reagan called upon the Communists to remove the Berlin Wall. On every occasion that offered, he spoke openly of Communism as a movement of the past and one which would pass away.

In 1982, Reagan declared on separate occasions:

The march of freedom...will leave Marxism-Leninism on the ash-heap of history.

So the era ahead of us is one...that I firmly believe will end in the triumph of the civilized world and the supremacy of its beliefs in individual liberty, representative government, and the rule of law under God.

In 1984, Reagan said:

For a while, the doctrine of Marx and Lenin seemed something new and revolutionary.... Times have changed. Man has moved on, and more and more we can see that the tide of the future is a freedom tide. (Quoted in Gary Hoitsma, "Reagan's Right Stuff," *The Washington Times* [January 20, 1992] p. 83)

Gorbachev traveled to foreign countries, including the United States, Great Britain, France, and other lands in the West. Not only did he become aware of much in the West that was superior to what

Mikhail Gorbachev (1931-)

In 1985, Gorbachev became general secretary of the Communist Party, presumptive dictator of the Soviet Union, and by way of the authority of the Soviet government in the Communist controlled countries of eastern Europe (excepting Yugoslavia) the ruler of a Soviet empire. It was his fate within a few years to see the Soviet empire disbanded and the Soviet Union break up. His power would slip away as if it had never been, much as had that of Czar Nicholas II in 1917. Gorbachev was born in the village of Privolnoye in the foothills of the Caucasus mountains. As a mere youth, Mikhail began his quest for privilege, status, and power by joining the Komsomol (Young Communist League). As soon as he could, he became a full fledged Communist, and only abandoned the party in 1992 when membership carried the stigma of being out of touch with political reality. His progress in the party was not helped by a law degree from Moscow State University, so he took a correspondence course in agricultural economics and was soon rising rapidly up the ladder. His perestroika policies set the stage for the breakup of the Soviet Union, but the event was hastened by his indecisiveness about the use of force.

the Soviet Union had, but the Soviet peoples were becoming increasingly aware of this as well. Not only did Soviet sports stars travel to and perform in the West, but also technological developments in communications were taking place that transcended the borders of countries. Radio had long done that, but now television could do it even better with satellites and dishes. And on the heels of that came widespread communication by way of computers. Stalin's and Mao Tse Tung's world where people's receivers could be shut off readily by political power was being transcended by technology.

No doubt, too, Gorbachev must have been familiar with Western liberal criticisms of Communism. Their objections were mainly to Communism's denial of what Americans refer to as First Amendment rights, especially freedoms of speech, press, and assembly and

to the absence of free elections. At any rate, it is in this connection that Gorbachev, like Humpty Dumpty in the nursery rhyme, sat on the wall, or tried to. Figuratively, he sat on the wall when he initiated his policies known as *glasnost* and *perestroika*.

Glasnost is a Russian term which means, literally, openness or frankness. In practice, it involves the removal of government censorship, the publication of differing opinions, and the protection of speech, press, and religion. Perestroika means, literally, to restructure or make structural changes. It could be applied to the economy, if a shift were made from government ownership to private property. Or, it could be applied to government by, for example, making it responsive to popular influence. In practice, it entailed the holding of free elections and taking away the monopoly of the Communist Party.

It is not possible, of course, for an egg or a man to sit on a wall without a shelf or a seat attached to the wall. Nor was it possible, as we now may surmise, to have free speech, press, association, and free elections and yet retain unimpaired the totalitarian system and the Soviet Union. Nor once embarked on that course did Gorbachev have the will and determination to use the necessary force to retain power and influence over a vast empire. In sum, the Soviet Union had a great fall (and Gorbachev with it), and all the king's horses, and all the king's men, so to speak, have thus far not been able to put it together again.

The Spinning Off of the Satellites

The first to shake off Soviet control were the captive countries of Eastern Europe: Poland, Czechoslovakia, Hungary, Bulgaria, Rumania, East Germany, and Albania. Yugoslavia had only briefly, if ever, been a captive nation of the Soviet Union. After World War II, it had two or three years of tutelage under the Soviet Union. But in June, 1948 it was expelled from the Cominform (the Soviet international control organization), and it never joined the Warsaw Pact of Nations. It did remain Communist until it broke up in 1990. Hence, Yugoslavia was more or less independent of the Soviet Union through virtually all of its Communist career.

The captive nations, or satellites were not integrated into the Soviet Union; they remained separate countries. But they were not independent. Their foreign policies were indistinct from that of the Soviet Union. Their governments were not only a Communist Party monopoly, but if they shifted toward an independent course the Soviet Union might intervene. What happened in Hungary in 1956 was a cautionary example for any captive nation that was thinking about following an independent course. In the fall of 1956, students sought the removal of Soviet troops and a government headed by Imre Nagy. When the Party secretary refused, the resisters became more determined and Soviet forces were brought in. When Soviet forces were withdrawn toward the border, yielding partly to their demands, the Hungarian government proclaimed its independent course by denouncing the Warsaw Pact. Faced with revolt (independence actually), the Soviet Union sent in major force, including 2,500 tanks and armored vehicles. They brutally shot down 35,000 Hungarians and made a worse shambles of Budapest than all of World War II had done. This time, the Soviet army shot down or otherwise subdued all resistance in the country.

A somewhat similar uprising occurred in Czechoslovakia during the first seven months of 1968. The old line Communists of the Stalinist era were replaced with young men who sought to reform the system. It was called the "spring of Prague," for the effort was centered in the capital. There were no Soviet troops in the country, so the new people in power proceeded with plans to modernize the economy and break out of Communist isolation. The Soviet rulers would not have it, and in August they sent in an army of 650,000, restored the old system, and forced an agreement with the Czechs to have an occupying army there indefinitely. In sum, the captive nations were separate countries, free to follow the Communist line from Moscow.

What happened in 1989-1990 in Eastern Europe was unexpected, unprecedented, and hardly believable. These countries did not declare their independence from the Soviet Union—technically, they were already independent, had never lost it. Instead, the people took over their own affairs in one way or another. They brought the monopoly of the Communist Party to an end. They held free elections. They constituted their own parliaments and chose their own

executives. They tentatively moved to restore private property and to reestablish freedom of speech, press, religion, and association, where these had been suppressed, which was generally the case.

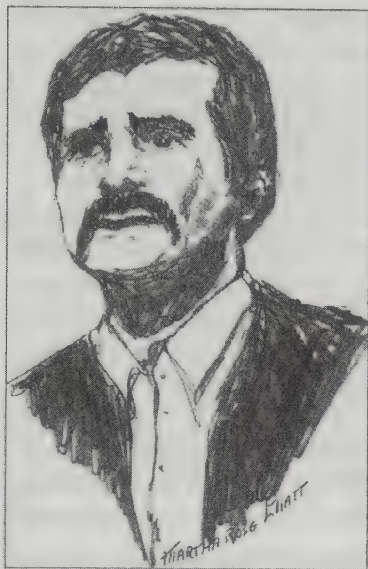
The world waited for the other shoe to drop, so to speak, for the Soviet forces to intervene if they were already in a country, otherwise, for them to march in or come by trucks and armored vehicles. It did not happen. *Glasnost* and *perestroika* had borne their strange (for Communism, that is) fruit, and the captive nations were captive no more. Much of it came about in so mundane a fashion that the rest of the world hardly knew what or when to celebrate. Governments around the world acted slowly if at all to recognize the change that was going on.

Two things do stand out toward the end of 1989. One was the crumbling of the Berlin Wall as it was being torn down. It had been a major symbol of the division between East and West, between Communism and freedom. It had been the wall on which those who climbed it from the East to escape were shot down by soldiers and police. Suddenly, it was no longer a barrier. People from East Berlin flowed through into West Berlin. It was a time for rejoicing, a festive occasion. There was dancing in the streets. And, on reflection, it was a time for weeping, for all that had been lost for so many by the madness of ideology and to totalitarian systems.

The other thing was much less dramatic and more local and personal in character. Many countries were experiencing freedom anew as the Christmas season neared or in the midst of it. All who wished to in most places could worship freely and according to many reports churches were filled to overflowing and there was much joy and thanksgiving.

There needs to be an account or two about how the political changes took place. Some Poles had been thrusting toward freedom for their country for several years before 1989. Lech Walesa, an electrician who worked in the Gdansk shipyards, formed an organization of workers called Solidarity in 1980. It was organized to work for both political and economic changes. Solidarity was given legal standing by the courts late in the year. Early in 1981, General Wojciech Jaruzelski became head of the government in Poland, a move by Moscow to tighten labor policy. The union protested with nationwide strikes. The government responded by imposing martial

Lech Walesa (1943-)



Walesa was a Polish labor union leader, the founder of Solidarity (an independent union not under Communist control), and the man who entered the wedge which eventually led to Polish independence and an end of Communist authority. Walesa was born near Wloclaweh, Poland, attended a vocational school, and went to work in the Lenin Shipyard at Gdansk (formerly Danzig) as an electrician. It did not take him long to become involved in union activity and to run afoul of the Communist government. In 1976, Walesa was fired from his job for drawing up a list of grievances of the workers. Walesa had to go elsewhere to work, but in 1980 the workers temporarily took over the Shipyard and demanded that the authorities return him to his old employment. He was brought back, and Solidarity became an officially recognized independent union. Even so, the situation went back and forth for Walesa between harassment by the authorities, imprisonment, and interference by the Soviet Union in Poland. Walesa persevered, was eventually elected to head the government, and, though replaced by others, saw a considerable measure of freedom and independence in Poland.

law and arresting the Solidarity leaders, including Lech Walesa. Solidarity was outlawed, and Walesa was released from prison in November, 1982. He won the Nobel Prize in 1983, but his resistance was muted for several years afterward.

Political events moved slowly in Poland in 1989 for two or three months and then picked up their pace. The movement to recognize Solidarity was made by the government in January and was made final by agreement between the two parties in April. Meanwhile, Walesa and others had negotiated an electoral agreement with the Communist Party, led by General Jaruzelski. It called for the Communists and their allies to have a majority of the seats in the lower house of the legislature. But it called for a new body, a senate, to be open equally to all parties. The National Assembly, composed of both bodies, would then elect a president by majority vote. The

elections held in June, 1989 astounded everyone involved. Solidarity got 99 of the 100 seats in the Senate. It won all the seats available to it in the lower house. The Communists and their allies had a majority in the lower house, but the Communists by themselves had a minority only in the lower house and were without voice in the Senate.

In August, the Peasant and Democratic parties left their Communist alliance, and the Communists were unable to form a government. A new government was formed late in the month under Solidarity leadership. On December 30, the parliament repealed the constitutional provision vesting monopoly power in the Communist Party. It dropped "People's" from the state title, indicating that it was no longer Communist and returned in general to its pre-Communist status. In August, a lay leader in the Catholic Church became prime minister of non-Communist Poland. An eventful year produced an independent Poland.

The change came swiftly in Czechoslovakia in late 1989. It began in earnest when helmeted police fired on marching students on November 17. An assortment of dissident groups then organized what they called a Civic Forum to negotiate with the government to end the monopoly of Communist power. The government acceded to these demands when it was clear that hundreds of thousands of people and virtually all workers were behind the movement. A new government was sworn in on December 10, made up of several parties including Civic Forum and the Communists. The Communist president of the republic, Gustav Husák resigned, and he was replaced by dissident playwright Václav Havel, who was to serve until free elections were held the next year. Alexander Dubček, leader of the Prague reform movement in 1968, was elected chairman of the Federal Assembly. Under pressure from the Civic Forum, the Assembly approved constitutional movements deleting articles which gave the Communist Party monopoly power and made Marxism-Leninism the state ideology.

What became clear in country after country was the fact that once it was reasonably certain the Soviet Union was not going to intervene on their behalf, the Communists could not retain power in the former captive nations. Nicolae Ceausescu was the only Communist ruler who left office feet first, so to speak, and he richly de-



Václav Havel (1936-)

Havel is a Czech playwright who became president of Czechoslovakia and led his country in establishing its independence from the Soviet Union. He had been a leading dissident and active opponent of Soviet rule for several years before the collapse of Communism. Havel was born in Prague in a well off family, but once the Communists came to power his background was a severe liability. He had to struggle to make his way through high school and take advanced technical training, which was all that was available to him. Although he was a gifted writer, the Communists placed formidable obstacles in the way of any literary success. He did manage to do a goodly amount of writing, but the plays which he wrote could not be staged in Czechoslovakia, nor could any of his writings be published there. Nevertheless, his plays were produced abroad, and he earned an international reputation. The government continually harassed him; he had to earn his living by menial jobs, and spent a total of 5 years in Communist prisons. He was truly a hero in his resistance to oppression.

served his fate. He was the despotic ruler of Romania who was so bad that many Communists were ashamed of him. In mid-December, 1989, hundreds of ethnic Hungarians were shot down by his security forces. When Ceausescu denounced the victims, most of his army abandoned him and joined rebel forces. He and his wife, Elena, were captured, tried, and executed on December 25. A provisional government moved quickly to remove the symbols of Communist power and to end the old regime.

So it went in country after country. In Bulgaria, the Communist president stepped down and was replaced by those who acted to end the Communist monopoly of political power and to restore private ownership of property. Although Communists held on for a while doggedly in some countries, the swell of a popular tide was running against them. Even Albania, the tiny country that had long been ruled by Enver Hoxa and his successors finally yielded much of the ground in 1990. It permitted free elections, other parties, and some



Nicolae Ceausescu

(1918-1989)

Ceausescu was the long term dictator of Rumania until he was executed by his army in December, 1989. He was long time general secretary of the Rumanian Communist Party, president of Rumania, and probably the most tyrannical of the Communist rulers in eastern Europe. Ceausescu was a maverick in the Soviet Communist system, less opposed to the United States than Soviet rulers over the years, vigorously opposed Gorbachev's perestroika, and imposed his own Stalin-like dictatorship on Rumania long after Stalin was no longer around. He caused massive architectural projects to be built, replaced peasant villages with agricultural collectives, and impoverished the Rumanian people to pay for his ventures. He made his wife deputy prime minister, and used the government as if it belonged to him. He did not outlast the breakup of the Soviet empire.

of the traditional freedoms. By the end of 1990, the Bulgarian Party finally gave way. Hungary went swiftly to the Western ways and freedoms for which many of its people had long yearned. East Germany moved as quickly as it could to union with West Germany.

The Breakup of the Soviet Union

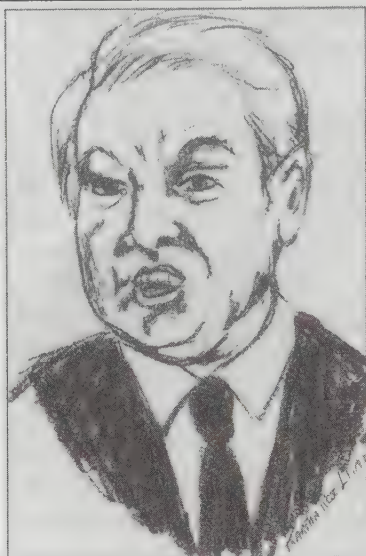
The collapse of Communism on a world scale was intricately bound up with the casting aside of Communist Party domination and the breakup of the Soviet Union. The shape of the future of what had been the Soviet Union was slower to emerge than that of the former captive nations in Eastern Europe. There was much more territory, many more peoples, greater wealth, and a much larger military structure involved with the Soviet Union than the countries that had composed the Warsaw Pact—to say nothing of the world presence of the Soviet Union and international Communism. At any rate, most of the countries of Eastern Europe assumed a status independent of the Soviet Union in the last few months of 1989. It took 1990 and 1991 for the breakup of the Soviet Union to assume anything like finality. Gorbachev clung to power as long as he could, and it became clearer

as the end approached that his hold on power entailed the continued existence of something similar to the Soviet Union, even if its character had to be changed.

It was not to be, and before the end of 1990 some could see that the days of the old union were numbered. Even so, the breakup was approached gradually. Three countries—Estonia, Latvia, and Lithuania—did declare their independence of the Soviet Union as soon as they could. It was not surprising that they should take the lead, for all three countries had been forced into the Soviet Union by military power in 1940. This happened in the wake of the Nazi-Soviet Pact which had paved the way for the Nazi-Soviet rape of Poland. These Baltic peoples had been poised ever since to regain their independence, if an opening ever came. Gorbachev did not deny that they might eventually secede, but he insisted that they observe a five-year waiting period before completing their withdrawal. The fate of the Baltic countries remained in doubt through the rest of 1990.

Meanwhile, Estonia and Latvia took a lesser step of declaring their sovereignty. It was a lesser step because at this point they remained technically in the Soviet Union, but if they were sovereign it would mean that they could legislate for themselves and control at least their internal affairs. In terms of the Communist constitution, which was of long standing, this was perfectly legal. The Soviet Union was a *union* of Soviet Republics which were in strict theory each sovereign. In fact, however, the Soviet Union had a highly centralized and dictatorial government under the control of the Politburo and whoever headed it.

Be that as it may, in the summer of 1990 other Soviet Republics followed suit from the lead of Estonia and Latvia and declared their sovereignty. The Russian republic under its newly elected president, Boris Yeltsin, declared its sovereignty, as did Moldavia, the Ukraine, Georgia, and Uzbekistan. It looked as if it were only a matter of time before the remainder of the “republics” followed. It soon became clear that the individual “sovereign” states intended by their declarations to exercise their sovereignty fully. It should be emphasized, too, that when Russia acted as a sovereign, it had major significance, for it contained approximately three fourths of the land in the Soviet Union and two thirds of the population.



Boris Yeltsin (1931-)

Yeltsin was the Russian who took Russia out of the Soviet Union, a move which resulted in the collapse of that organization. He outmaneuvered Mikhail Gorbachev, withdrew from the Communist Party, and set Russia on a course outside Communism. Thus far, however, he has been more adept at political maneuvering than establishing an effective system to replace the justly discredited Communism. Yeltsin was born in Siberia to peasant parents, was trained as a civil engineer, and became a Communist. By the 1970s, he was making an impact on the party in his region, so much so that in 1986 Gorbachev called him to Moscow to head the party organization in that city. No sooner was he settled in Moscow than he became a member of the Politburo, the organization which governed the Soviet Union. Even though Yeltsin was clearly a protege of Gorbachev's, the two were soon at odds with one another. Yeltsin had criticized the slowness of Gorbachev's reforms in 1987. For that, Yeltsin was stripped of his positions, but he was otherwise free to come back to power by election. He was on his way to do that by his landslide election over the party named candidate for a seat from his district in the Congress. Thereafter, he moved steadily to power until his triumph in 1992.

In late 1990, Gorbachev came forward with his plan to save the Soviet Union. He brought forward a draft for a new Treaty of the Union. Technically, the Soviet Union had been the U.S.S.R.—the Union of Soviet Socialist Republics. He proposed to keep the letters in the abbreviation but to change the name to the Union of Sovereign Soviet Republics. The dropping of “Socialist” and replacing it with “Sovereign” had a timely brilliance about it, but events never stood still long enough for his plan to be adopted.

In 1991, Boris Yeltsin's star was on the rise, and Mikhail Gorbachev's was on the decline. As president of Russia, Yeltsin was well situated to prevail over Gorbachev, whose Soviet Union was coming apart and in disarray. The matter came to a head during the attempted coup by several old line Communists who wanted to

restore the Communist rule of the past, among whom were premier Valentine Pavlov and vice president Gennadi Yanayev. A group of these reactionaries published a general call to the people in July, saying:

An enormous, unprecedented misfortune has befallen us. Our homeland and country, a great state that was given into our care by history, nature, and our glorious ancestors, is perishing, breaking up, and being plunged into darkness and nonexistence.... Let us unite to stop the chain reaction of the ruinous disintegration of the state.... (Quoted in *The Americana Annual*, 1992, p. 29)

On August 19, 1991, *Tass*, the Soviet news agency, announced that an emergency state committee under the direction of the vice president of the Soviet Union had taken over the government. They suspended all civil rights, declared a state of emergency, banned all political activity, took over press and other media, arrest orders were issued, and troops were deployed. Gorbachev was not in Moscow (whether conveniently absent or not), was on vacation in the Crimea with his family. According to his account, Gorbachev was visited by a committee the day before the coup who gave him an ultimatum either to join them or resign his presidency. He refused their invitation, but stayed where he was during the next tumultuous days.

By contrast, Yeltsin was at the forefront of events for the next several days. He and other republic presidents denounced the coup as unconstitutional. Yeltsin maintained his headquarters in the Russian parliament building; many of his followers gathered around him there, and some of the police and military defected to his side. The military forces seemed disinclined to obey the order of the coup leaders, and after two days the coup collapsed. In its wake, Gorbachev returned to Moscow, but it was Moscow in a different mood and in different hands than when he left. Muscovites celebrated the failure of the coup by adorning KGB (secret police) headquarters with graffiti and pulling down the statue of Felix Dzerzhinsky, the founder of the Communist secret police. The coup leaders were arrested, but Yeltsin refused to accept Gorbachev's

appointments to replace those who had led the coup. Gorbachev resigned as head of the Communist Party, but he was only taking shelter before the storm because on August 29, the legislature suspended all party activities.

In effect, Gorbachev quickly became an emperor without an empire. The independence of the Baltic states of Estonia, Latvia, and Lithuania was recognized by the relics of the Soviet government. Ten of the twelve remaining republics declared their independence. Yeltsin and the presidents of the Ukraine and Belarus agreed to a loose organization to be called the Commonwealth of Independent States on December 8, 1991. Other republics were invited to join this new organization though nothing much came of it. On December 25, Mikhail Gorbachev resigned from the presidency, and the once mighty Soviet Union was no more. The residents of Leningrad voted to reclaim the name of St. Petersburg for their historic city and by so doing affirmed a place once more in Christendom and Western Civilization.

Secessions, and more Secessions

The empires of Eastern Europe and Eurasia had contained and to some degree masked a vast assortment of linguistic, religious, ethnic, and to a lesser extent racial groupings of people. Before World War I, there was the Ottoman Empire, a Middle Eastern Muslim empire that had penetrated into Southeastern Europe as well, the Austro-Hungarian Empire, and the Russian Empire. The relics of these empires were drawn together, much of them, in the 1920s and late 1940s into the Soviet Union and its satellite states of Eastern Europe. The Soviet Union with its Communist totalitarian system had been able to subdue or largely silence most of these feuding and quarrelsome people during its reign. They were often assisted in this suppression in particular captive nations and “republics” by dominant majorities who kept minorities in their “places.”

The breakup of the Soviet Union and the displacement of Communist parties from their power monopolies let loose these minorities to resume their ancient animosities against dominant majorities and set off quests for new secessions and more exclusive boundaries. Nowhere was the problem or the urge to secede greater than in

Yugoslavia. The country was a hash of multi-ethnic, multi-national, and multi-religious peoples thrown together after World War I. The Communists took over during and after World War II, and the peoples were held together under the dictatorship of Josip Tito until his death in 1980. The Serbs, though a minority of the whole population, have been dominant in governing Yugoslavia over the years.

The breakup of Yugoslavia began in 1991 when Croatia and Slovenia declared their independence. Slovenia had no major ethnic difficulties because 91% of the population consisted of Slovenes, with only a smattering of Croats, Serbs, and others. Croatia did, however, have a minor problem at first. The Croats were the dominant ethnic group in the population, but there was a sizeable Serbian population as well, which tried to reject independence. Yugoslavia threatened to intervene, but to prevent that eventuality European countries recognized the independence of Slovenia and Croatia. Bosnia-Herzegovina declared independence as well, but the European Community refused to recognize it until a referendum was held.

Given the general complexities of the situation, Bosnia, as it is commonly called, was headed for trouble. The population broke down this way in significant religious or national groupings:

Muslims	43.7%
Serbs	31.4%
Croats	17.3%
Yugoslavs	5.5%
Other	2.1%

In the referendum, the Muslims and Croats voted for independence, but the Serbs boycotted the whole affair. The Muslims and Croats could govern an independent Bosnia, but the Serbs revolted and have not allowed them to govern effectively. There is good reason to doubt that the Bosnian Serbs could carry on much of a civil war without help from Serbia (technically the Federal Republic of Yugoslavia). Macedonia also declared and eventually effected its independence from Yugoslavia.

What remained was the largest of the former countries in the hodgepodge union of Yugoslavia-Serbia and the small country of

Montenegro. There were two autonomous provinces, so-called, under Communist rule—Kosovo, predominately Albanian, and Vojvodina, predominantly Serb. These were absorbed into the new Yugoslav Federal Republic formed in April, 1992. Other countries have not been much disposed to notice this new country, obviously dominated by Serbia, but it cannot be so readily ignored. Slobodan Milosevic has been the dominant figure in Yugoslavia and Serbia since 1986, when he became head of the Serbian Communist Party. He became president of Serbia in 1990, when he also became more nationalistic than Communist. He has been more or less deeply involved in the situation in Bosnia, though who commands the Serbian forces there is uncertain.

Even though Serbia is at least indirectly involved in the Bosnian war, it is possible that the Bosnian government might have been able to overwhelm the Serbs if they were able to obtain the military hardware to do so. Instead, the United States and other countries have embargoed the sale of arms to Bosnia. Rather than arms, Bosnia has depended for protection upon alleged United Nations peacekeepers until recently.

An assortment of other secessions have been attempted in the 1990s from the secessioners, but thus far only Slovenia, Croatia, Bosnia, and Macedonia have had any success. The situation is still rife for further secessions.

Czechoslovakia had hardly shaken the Soviet yoke and Communism before the union between the Czechs and Slovaks began to crack. National elections revealed the division clearly. The Civic Democratic Party got the largest vote in the Czech portion of the country, and the Movement for Democratic Slovakia got the largest vote in Slovakia. Neither got a majority, however, and in order to form a government the two largest parties needed to form a coalition. The two parties and their leaders divided decisively over the extent of economic reform and the establishment of private ownership. The Czech Finance Minister, Václav Klaus, wanted a free market economy, while Vladimir Meciar, who headed the Slovak party, wanted to go a different way.

When negotiators could not work out the differences between the parties, the leaders signed an agreement June 20, 1992 for the country to be constitutionally divided between Czech and Slovakia,



Slobodan Milosevic (1941-)

Milosevic is an advocate of Serbian nationalism and Serbian dominance of as much of what was Yugoslavia as possible. He first came to prominence in the Communist Party, which monopolized a political power in Yugoslavia. In 1986, he became head of the Serbian Communist Party, and in 1989, became president of Serbia, and was reelected to that post later. Meanwhile, Yugoslavia had broken up into several independent countries, the Communist Party had lost its monopoly of power and Milosevic had joined the socialist party, and Serbia, under Milosevic's guidance, tried to hold several provinces of diverse ethnic makeup together under the name of Yugoslavia. Milosevic was born in the Serbian town of Pozarevac, graduated from the University of Belgrade with a law degree, and became a Communist Party functionary. As a leader of Serbia, he tends also to defend Serb minorities in other countries, such as Bosnia.

and each would become an independent country. The division was to be completed at the beginning of 1993. But Slovakia did not wait until 1993 to take up its independence. In August, Slovakia proclaimed its sovereignty and adopted a constitution of its own. The Federal Assembly which had been elected in a new election held in July voted itself out of existence on November 25.

There were many other attempts at secession during the early 1990s, but they need not detain us here. It is enough to know that the breakup of the Soviet Union marked a major shift away from ever larger and more extensive governments that has gone on so widely in the 20th century. It was not, however, the first of secession movements nor breakup of empires in this century; it is only the latest. Africa witnessed the appearance of many new and smaller countries as the Europeans withdrew or were driven out. This occurred mainly in the 1950s-1970s. Quebec has made several electoral attempts to secede from Canada. Even the secession of the South from the United States in the 19th century is getting a little better press these days.

The Relics of Communism

According to the conventional wisdom, or if not wisdom, then perception, the collapse of Soviet Communism marked the end of the Cold War. So it did, or at least it marked the end of the Cold War on the scale it had been waged since 1947. It is even said or argued in some quarters that Communism in particular and socialism in general was now discredited. There seems to be an underlying assumption behind these statements to the effect that: therefore, Communism and socialism are nothing to be concerned with or bother about. Some even express their disappointment that the collapse of Communism did not produce universal peace throughout the world. Some even mutter that the Soviet Union at least maintained peace within their sphere. They did so, to the extent that they did, at no small price either.

Some *caveats* or qualifications are in order. First, however much Communism may have discredited itself in practice, it did not come to an abrupt end with the disintegration of the Soviet Union. On the contrary, several professed Communist governments still rule: in China, in Cuba, in North Korea, in Vietnam, and here and there. True, Communist China has altered its stance somewhat, particularly in economic matters, but it is still Communist. It looked for a few weeks in the spring of 1989 as if China might go with the rising tide in the Soviet sphere. For a period of seven weeks demonstrations went on in Tiananmen Square in Peking. Thousands and then tens and hundreds of thousands demonstrated for democracy. On June 3-4 the Communist rulers of China sent the army with tanks and guns into the square to gun down hundreds of the demonstrators. That put an end to the demonstrations and to any popular tide for change in China. One-fifth of the people of the world are under Communist rule in China.

Perhaps Communist rule in these lands is a relic; perhaps not. The record is not yet closed. More, Communists, or, at best, former Communists, abound in the lands that were in the Soviet sphere. They predominate in the legislatures of some of these countries, and some are heads of government. Moreover, those who were Communists during the Soviet years still often hold positions of power in military, security, and police positions. Communists have rarely been

punished for their crimes in those earlier days, and few have been purged from government. Nor have they been subjected to any sort of compulsory re-education. Surely, many still carry heavy residues of Marxism-Leninism in their minds. How could years of indoctrination not leave deposits of ideas in their minds?

None of this is said to minimize the significance of the collapse of Communism at its center. Aggressive international Communism is not being pushed today. Cuba is no longer being subsidized by the Soviet Union. There is, too, a great residue of Communist ideas and beliefs that were spread around the world over the past century, ideas and beliefs which have entered into our ways and thinking and are separable and separated from Communism and socialism. For example, the notion that government is responsible for the material and intellectual well-being of the people under them has become a part of the outlook of many. These ideas are given flesh and blood by actual payments and subsidies from government. Many people have become dependent upon government handouts. These beliefs and practices are residues of the varieties of socialism which preceded them. They have produced vastly overgrown governments and the politicalization of life. The disembodied abstractions of Communism and socialism may be discredited, but the fruit of these ideas is still very much credited.

Chapter 7

Political Gridlock II—Bush Deadlocked

We know what works: Freedom works.

We know what's right: Freedom's right.

We know how to secure a more just and prosperous life for man on earth—through free markets, free speech, free elections, and the exercise of free will unhampered by the state.

—George Bush, 1989

Chronology

1988—George Bush elected President

1989—

August—Congress appropriates funds to rescue S & L's

December—U. S. troops overthrow Manuel Noriega government

1990—

August—U. S. troops begin buildup in Saudi-Arabia after Iraq occupies Kuwait

November—Bush violates his “no new taxes” pledge

1991—

January-February—U. S. and allies defeat Iraq in Gulf War

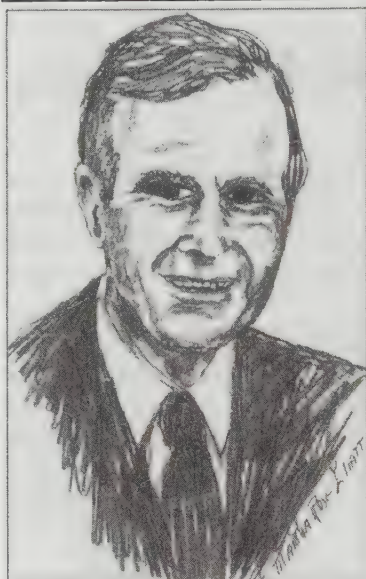
December—Charles Keating convicted of security fraud

1992—

April-May—rioting in Los Angeles

May—ratification of 27th Amendment

George Bush was in line for the presidency in 1988, if a Republican could be elected. He had served two terms as Reagan's Vice-President. He was the son of a Republican Senator, had served two terms in the U. S. House of Representatives from Texas, and had held responsible appointive positions under Nixon and Ford. Before



George Bush (1924-)

Bush was President from 1989-1993, sought reelection in 1992, but was edged out by Bill Clinton. His term was marked by major changes in the world, most notably, the collapse of Communism, the breakup of the Soviet empire, and the damping down of international Communism. The decisive defeat of the Iraqi army in the Gulf War in early 1991 quelled some of the spirit of Muslim expansion in the Mideast. Not all these were the result of Bush's efforts, but they gave an aura of success to his Administration during its first two years. His last two years were plagued by gridlock with Congress and economic difficulties. Bush was born in Milton, Massachusetts, and graduated from Phillips Academy and Yale University. His background was in New England, but after military services during World War II, Bush married and moved to Texas, where he became rather thoroughly Texanized. He went into oil, became a successful entrepreneur, and got himself elected to Congress. After two terms, Bush was appointed to high posts in Washington, and served two terms as Reagan's Vice President.

any of these political positions, he had come to the fore as an oil entrepreneur and executive in Texas. Thus, Bush had executive experience in business as well as government.

Experience fitted Bush to be President, but if he had a well thought out political philosophy it had not had much occasion to surface. In 1968, he got a zero rating for his votes in Congress from the American Civil Liberties Union, which might indicate that he was conservative. But his votes in Congress were sometimes liberal, sometimes conservative. Much of his political experience was serving other men in executive positions; success in that depends on leaning the way they lean and supporting their public positions. In 1980, he ran as a moderate in contrast to Reagan's conservatism. As Reagan's choice for vice president, Bush adopted Reagan's positions.

In 1988, Bush easily captured the nomination of the Republican Party. For his running mate, he chose Senator Dan Quayle of Indi-

ana, a conservative who never managed to shake the media treatment of him as a lightweight. The Democrats nominated Governor Michael Dukakis as their candidate for President and Senator Lloyd Bentsen of Texas as his running mate. Bush did not waver much from the stands that Reagan had taken during his campaign. He asked audiences to read his lips, saying, "No new taxes!" In his acceptance speech after nomination he referred to the "thousand points of light" which he wanted to be a theme of his administration. He was referring to the numerous individual, private, and voluntary activities by which much of the work, play, charity, religious, and social life goes on. He also spoke of a "kinder and gentler" way of doing things and his intention of being a "hands on president."

In the main, though, Bush's campaign was devoted to identifying Dukakis with liberal practices which had succeeded by 1988 in very nearly making "liberal" a dirty word. Dukakis was accused of being a "tax and spender," of raising taxes and causing increasing economic difficulties in Massachusetts. Much was made of his being soft on crime as evidenced by his authorizing furloughs to felons, one of whom had committed further brutal crimes while on leave. Bush won the election handily, getting 54 per cent of the popular vote and 426 of the electoral votes to 112 for Dukakis. Aside from New York and Massachusetts Dukakis carried only a half dozen states mostly in the upper mid-west and far west.

In many ways, Bush's presidency was a continuation of Reagan's, not surprising, since he had spent the past years involved in it. Some of Reagan's cabinet were continued by Bush: Richard Thornburgh as Attorney General, Nicholas Brady as Treasury secretary, Lamar Alexander as Education secretary, and James A. Baker III, who had earlier served as Treasury head under Reagan, was appointed Secretary of State. Bush got the benefits when some of the Reagan policies bore fruit—specifically, the defense buildup and the collapse of the Soviet Union—and had more economic difficulties as he was left to clean up the savings and loan mess and to continue to wrestle with deficits.

The government was still divided between Congress and President during Bush's term: the House and Senate remained Democratic. Bush had hoped for more cooperation, but he was, if anything, less successful in dealing with Congress than Reagan. He

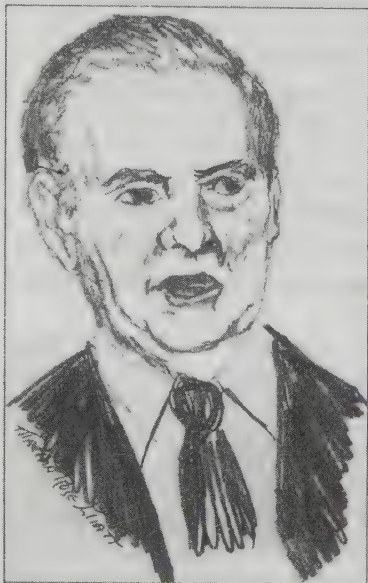
enjoyed the presidency even more than Reagan, if that was possible. He was an outdoorsman, a hunter, fisher, horseshoe player, liked boating, and endeared himself to the "good old boys" by liking stock car racing and attending the "Grand Old Opry." There was no doubt, either, that he honestly opposed gun control laws.

Investigating the Investigators

Congress had busied itself during much of the 1980s investigating the President's appointees. The worm turned quickly when Bush came to office, though he had little to do with it. It happened that Congress was soon taken up with investigating the unethical and other misbehavior of its former and present members.

The first of these was John Tower, a former Senator from Texas, whom Bush had nominated to be Secretary of Defense. In the Senate Armed Services Committee hearings which got underway shortly after Bush's inauguration, charges were brought forward that Tower had received high fees from defense contractors as a consultant after leaving government service. Tower acknowledged receiving \$750,000 for these services in a period of a little more than 1½ years. He was also charged with heavy drinking, even drunkenness, and pursuing women for their favors. As a result of these charges, he lost most of the votes he might have received from Democrats, who voted 11 to 9 against confirming him for the post in committee. He was rejected by the Senate when a vote was held there, on a strongly partisan vote. The irony was that Tower had been chairman of a committee investigating Iran-Contra.

Jim Wright of Texas had become Speaker of the House in 1987, succeeding "Tip" O'Neill when the new Congress organized. Congressman Newt Gingrich, a Republican from Georgia, filed charges against Wright in June of 1988. These were turned over to the Ethics Committee, composed of an equal number of Republicans and Democrats, for investigation. The committee reported in April of 1988 that the Speaker had violated House rules on taking gifts and outside income 69 times. The main charge had to do with the distribution of a book that Wright had authored entitled *Reflections of a Public Man*. If the book had been duly published and sold numerous copies to the public, resulting in large royalty payments, it might



James A. Baker (1930—)

Baker was Reagan's Chief of Staff and Treasury secretary, and Bush's Secretary of State. He ran the presidential campaigns of Ford, Reagan, and Bush, and was something of a power broker for Reagan and Bush. Baker was born in Houston, graduated from Princeton, served two years as a Marine, then got a law degree from the University of Texas. When he first became interested in politics, he became a Democrat, as did most prudent Southerners of his time, but it was only after he became a Republican that he was politically active. He managed Bush's unsuccessful race for the Senate in 1970 and made an unsuccessful bid for state attorney general in 1978, his only attempt for elective office. In the 1980s and 1990s, he worked in national appointive positions as a Republican. If he had any deep seated principles, he kept quiet about them.

have been unexceptionable. But that was not what happened, the Ethics Committee said. Instead, large quantities of the books had been bought at bulk by political supporters to distribute as they might, on which Wright received large royalty payments. This was a scheme to evade rules on outside income, the committee reported. Further, the report contended that Wright and his wife had received improper gifts from a supporter over a ten-year period.

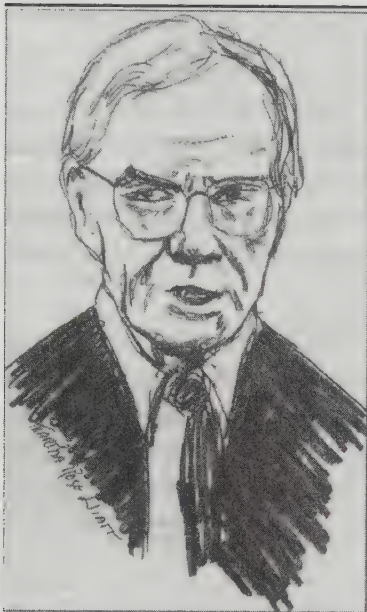
Wright denied any wrongdoing, and brought in lawyers to try to change the committee's findings. All his efforts were to no avail. Other reports became public of Wright's shady dealings in real estate and machinations in savings and loan deals. When one of his aides resigned after disclosures of having been convicted for a brutal assault on a woman, Wright must have concluded that things were getting worse rather than better. At that point, he resigned as Speaker and from the House. Tom Foley of Washington was chosen to succeed him. Jim Wright had attempted to shame the investigators when he pleaded in his resignation speech: "It is intolerable that qualified members of the executive and legislative branches are resigning because of the ambiguities and confusion surrounding the ethics laws and...their...vulnerability to personal attack."

This speech had been prompted at least in part by the fact that Democratic majority whip, Tony Coelho, of California resigned a few days earlier under charges of using campaign funds to purchase junk bonds. He denied the allegation but admitted that he had failed to make the required disclosure of a large loan he had obtained to help make the bond purchase. Coelho said that he resigned to avoid a lengthy investigation into his financial dealings. Undoubtedly, it is more exciting to investigate than to be investigated.

These investigations into mainly financial violations by Congressmen were followed in 1989 by revelations of an assortment of charges of sexual misbehavior by members of the House ranging from sexual harassment to rape. The most lurid case, however, was that of Representative Barney Frank of Massachusetts, who admitted he hired a homosexual as chauffeur and housekeeper. His employee then ran a mate prostitution operation out of Frank's Washington apartment. Frank's scandalous behavior barely got a slap on the wrist and, since he is shameless, he did not resign.

As if all these goings-on were not bad enough, Democratic Congressman Robert Garcia of New York and his wife were convicted of extorting \$170,000 in payoffs from a defense contractor. He later did some part of the right thing—he resigned from Congress.

Not to be outdone by the House, the Senate, or rather five senators—Alan Cranston of California, a Democrat, fellow Democrat Dennis DeConcini of Arizona, Democrat John Glen of Ohio, Republican John McCain of Arizona, and Democrat Donald W. Riegel of Michigan—were suspected of accepting campaign contributions from Charles Keating of Lincoln Savings and Loan in return for aid provided to him. After a lengthy investigation, the special counsel to the Senate Ethics Committee recommended that the charges against Glenn and McCain be dropped but that the other three had intervened with Federal regulators to aid Keating. The committee decided, however, to proceed with its investigation of all five men. Finally, in November of 1991, the Senate Ethics Committee severely reprimanded Senator Cranston (who was going to leave the Senate the next year in any case) for “improper and repugnant” efforts to help Charles Keating. The other four senators were given



Jim Wright (1922-)

Wright was a Congressman for 35 years, which included the last 13 years during which he was a leader in the House. He was Speaker of the House, 1986-1989, but his maneuvers to use his high office to enrich himself got him into such trouble that he resigned in 1989. In truth, the Democrats had controlled the House and made its rules for so long that the exercise of arbitrary power and participating in corrupt practices had become an unchallenged way of life for some, if not all, of the Democrats. The fall of Jim Wright was the first in the overthrowing of Democratic control, an effort which culminated in the 1994 elections. Wright was born in Fort Worth, Texas, attended Weatherford College and the University of Texas before serving in the Army Air Force during World War II. He was elected to the House of Representatives in 1954, and reelected every two years until his resignation in 1989. He served as Majority Leader of the House in 1976 and was generally understood to be a liberal Democrat.

lighter rebukes for their presumably lesser efforts on behalf of Keating.

Perhaps the crowning revelation came in 1991-92 from investigating the investigators. The House of Representatives had maintained a bank for many years in which they could do such banking business as making deposits. There might have been nothing wrong with the House having such a bank for the convenience of its members. In 1991, the General Accounting Office revealed, however, that some House members routinely wrote checks on the bank without funds to cover them. The bank would cash them and get their money when deposits were made by those in debt. In short, the members of the House who took advantage of this privilege were cashing bad checks and getting interest free loans. The House launched inquiry revealed that 335 current and former members had written close to 20,000 bad checks, some of them for as much as 5 figures. The names of the offenders were published for the benefit of their constituents. Meanwhile, the House bank was closed.

Related revelations about possible wrongdoing in the House post office occurred at the same time. One of the things that was alleged to be going on there was that some members of Congress cashed expense vouchers and checks from campaign contributions in the guise of purchasing stamps. A bipartisan committee from the House investigated the allegations and split along party lines on their conclusions. The Democrats on the committee laid the blame on the Post Office managers and cleared House members of any significant wrongdoing. The Republicans blamed the Democrats. A grand jury in the District of Columbia subpoenaed three House Democrats to testify: Dan Rostenkowski of Illinois, Chairman of the House Ways and Means Committee, Joe Kolter, and Austin Murphy of Pennsylvania. They refused to testify on the grounds that they might incriminate themselves. On that sorry note, the investigation of the investigators ended.

Polls taken after these events indicated that approval of Congress had reached a new low after the above events. Both Republicans and Democrats had been implicated in the House banking affair. But Democrats were more exposed because of their long time control of the House. The negative fallout from these events surfaced in the 1992 elections but did not reach its peak until 1994, if that was the peak.

The investigators did get to investigate the executive branch during the Bush Administration, but the main one was left over from the Reagan years. The investigation centered on the enrichment of Republican consultants paid by developers working with subsidized housing. Bush's HUD Secretary, Jack Kemp, suspended all funding for the program involved while investigations were conducted. Former Interior Secretary James Watt had received \$400 thousand in consulting during, a two year span. Paul Manafort, who had worked in the Reagan and Bush campaigns, said he had used his influence on behalf of a developer for which his firm had been paid \$326,000. Watt denied that he had done anything wrong but said that the fault lay in the system. Reagan's HUD Secretary refused to testify on the grounds that he might incriminate himself. Kemp introduced reforms that were adopted that would reduce the likelihood of such high fees being paid in the future.

The attempt to control the behavior of the legislative and executive branches by ethics committees and the like has not worked effectively or efficiently. Nor is it clear that scandal mongering has greatly improved the caliber of either those who govern or of government. Shameless people are little improved by charges about their ethical shortcomings. Massive government cannot be brought under control by investigating the ethics of those who are out of control.

Economic Difficulties

President Bush's economic difficulties at the outset were either continuations of those in the Reagan Administration or leftovers from it. The Bush administration never came close to getting a handle on the annual deficits. In 1990, the deficit was over \$220 billion; in 1991, it rose to over \$269 billion; in 1992, to over 290 billion; and in 1993, it only fell to about \$255 billion. The deficit can only be reduced or removed by increasing income or reducing spending. In practice, Mr. Reagan and other conservatives have argued that the only effective way to balance the budget is by reducing spending. In practice, they say, if taxes are raised and that does result in increasing revenues (no guarantee of that, either), the money will be spent on new government ventures.

In fact, revenues, or receipts of Federal government, rose steadily during Bush's term from \$1.03 trillion in 1990 to over \$1.15 trillion in 1993. But expenditures far outpaced receipts, rising from \$1.25 trillion in 1990 to over \$1.4 trillion in 1993. And this took place despite the fact that Bush was persuaded to agree to an increase in taxes, thus breaking his pledge. In 1990, Congress passed major new taxes which were to go into effect in 1991. Congress sought to levy much of their higher taxes on upper income people. The top marginal rate for those with incomes over \$78,400 was increased to 31%. Excise taxes were also increased on gasoline, cigarettes, alcohol, certain "luxury" items, airline passenger tickets, and telephones. Moreover, wages subject to the Medicare tax increased from \$51,300 to \$125,000. This tax was billed as "fairer," (a weasel word without precise meaning) because it attempted to tax higher incomes at a proportionately higher rate where it could. The

bill was also pushed as aimed at reducing the deficits. It failed signally in doing that.

Perhaps, a part of the failure could be blamed on the savings and loan fiasco, but it could as easily be blamed on the large increases in the expenditures of the Department of Health and Human Services during these years (not counting the Social Security increases), which increased from just under \$218 billion in 1991 to over \$282 billion in 1993. In any case, the savings and loan fiasco was a problem largely left over from the Reagan Administration. Some savings and loan institutions had been in trouble for several years before the debacle of the late 1980s.

The immediate background to the savings and loan crisis was this. They were authorized to take deposits and make long term loans on real estate. They were hard pressed when interest rates rose precipitately during President Carter's Administration. To raise funds, they often had to pay higher interest rates than they were receiving on the mortgages they held. A 1980 law permitted them to make a wider range of investments than earlier, as well as to pay higher interest rates. In the middle 1980s some savings and loan institutions began taking higher and higher risks: investing in land developments, "junk" bonds, apartment houses, office complexes. It is clear, in retrospect, that in many instances such regulations as applied to them were not being vigorously enforced, and many of them were plundered by those in charge of them.

Three examples of plundered savings and loan come readily to hand, though these were especially large. Charles Keating, already mentioned, recent owner of the Lincoln Savings and Loan Association, was indicted in 1990. He, along with some other executives, was charged for defrauding older persons by luring them into buying \$250 million in high risk "junk" bonds. Several officials of the Silverado Banking, Savings and Loan Association were sued for "gross negligence" in overseeing the operation of the company that resulted in losses that would cost taxpayers \$1 billion, according to the FDIC. A smaller but no less poorly run operation was Madison Guaranty Savings and Loan in Arkansas. What brought this to public attention was that Bill Clinton, then governor of Arkansas, became involved with the owner of Madison Guaranty in connection with Whitewater, a land development outfit. His wife, Hillary, was also

drawn into this entanglement. James McDougal had bought Madison Guaranty in 1982, a small S & L at the time, and made it into a much larger operation. It was reputedly used to finance various political and financial undertakings. It went under in 1989 at a cost to the taxpayers of something on the order of \$60 million.

In the late summer of 1989, President Bush signed into law a bill authorizing the spending of \$159 billion over the next ten years to close and dispose of hundreds of savings and loans and see that depositors did not lose their investments. Other appropriations were made in later years. To oversee this activity, Congress created a Resolution Trust Corporation as proposed by President Bush. It was to deal with all the details of closing and disposing of defunct savings and loans as well as their assets in all sorts of properties.

Savings and loans were not the only banking institutions that were hard hit in the late 1980s. Commercial banks also had to be closed or assisted in considerable numbers during these years by the FDIC, the organization that guarantees deposits. The number of failures rose precipitately to 120 in 1985 to a peak of 221 in 1988, beginning a significant decline by 1991 to 127, and by 1993 there were only 41 bank failures. Texas was the center of some of the largest bank failures, especially in 1989. In March, the FDIC took control of 20 banks in Texas with assets of over \$15 billion. Indeed, since the mid-1980s virtually all banks in Texas that remained open had received assistance either from other banks or from the FDIC. A particular cause for the Texas banking difficulty was the decline in the price of oil from the Middle East and other sources which priced much of Texas oil out of the market.

The freeing of the savings and loans and banks from some restrictions and regulations during the Reagan years would not have produced the banking and savings and loan crises by itself. There is a deeper and abiding problem which the regulation may ordinarily obviate. It is fractional reserve banking and basic corporate irresponsibility. Fractional reserve banking permits banks (and savings and loans) to hold in reserve only a small fraction of the amount to cover their deposits. In effect, this means that banks are potentially bankrupt at any time, and all that is needed to push them into bankruptcy is unusually heavy demands from depositors. Regulation, as noted, may prolong the time between bank failures, or even delay them

indefinitely, but to guarantee deposits by a governmental system means that those who control the funds are not ultimately responsible for them. The guaranteeing governing body is. Hence, the willingness of large numbers of bankers to use funds entrusted to them recklessly, especially if they are not closely monitored.

The Supreme Court

Nowhere is liberalism more deeply rooted than in the Federal judiciary, specially the Supreme Court. It is rooted in hundreds of legal opinions and thousands of court decisions. Franklin D. Roosevelt made the emphatic shift to liberalism in the Supreme Court by his appointments in the late 1930s. Liberalism triumphed in the courts in the 1950s and 1960s under the guidance of Chief Justice Earl Warren, himself appointed by Republican President Dwight Eisenhower. Indeed, Republicans held the presidency for 28 of the 40 years from 1953 to 1993, and during their ascendancy there is good reason to believe that they intended and tried to appoint moderate to conservative people to the high court as well as the lower courts. True, Presidents Nixon and Reagan were partially thwarted in their efforts by senatorial resistance to their candidates. But the difficulty runs deeper than that.

Nothing has lain nearer to the heart of liberalism than the centralization of governmental power in Washington. The Supreme Court is the ultimate and last bulwark of that centralization. This is so because liberals have made it so. To liberals, the Supreme Court not only has the final say in interpreting the laws and Constitution, but it and the lower Federal courts have the only say. In this position, they are vigorously supported by the media, most law schools, most writers on the subject, and the intelligentsia. According to this view, the state governments, the state Legislatures, the state courts, and the people of the United States are completely at the mercy of the interpretations of the Federal courts. Nor does it do to forget that the writs of each individual Federal judge run as far as the United States authority does. For example, a Federal judge in Nome, Alaska may subpoena persons in Key West, Florida or Hawaii and compel them to appear in his court. The seat of that vast and extensive power is the Supreme Court Building in Washington D. C.

The liberal outlook is embedded in hundreds of high court opinions and thousands of court decisions. Not only does liberalism have a natural inertia going for it but also the doctrine of *stare decisis* and the widespread assumption that the Constitution comes under common law. The doctrine of *stare decisis*—“let the decision stand”—is in its nature a conservative doctrine aimed at stability in the application of laws. In constitutional law, it was held to apply in the absence of the discovery of error in earlier interpretations. That the Constitution is subject to the power of court interpretation as if it were common law is itself an egregious error. The Constitution is a written document which can be properly changed only by amendment. If the error is discovered by going back to the Constitution and holding court decisions and opinions up to it, then *stare decisis* would be an appropriate rule.

However, it should be noted here that the embedding of liberal interpretations of the Constitution in decisions and opinions was done either by claiming to find errors in earlier interpretations or otherwise ignoring *stare decisis*. One constitutional authority says that after 1937 “there were numerous reversals of earlier precedents on the ground of ‘error....’ In 1944 Justice Stanley Reed cited fourteen cases decided between March 27, 1937 and June 14, 1943 in which one or more constitutional decisions were overturned.” (Edward S. Corwin, *The Constitution and What It Means Today* [New York: Atheneum, 1963], p. 145) The pillage continued apace into the 1950s, 1960s, and 1970s. With so many of these decisions established, it should also be noted that *stare decisis* tends to work against constitutional conservatives. For example, in the 1992 decision *Planned Parenthood of Southeastern Pennsylvania vs. Casey*, the Supreme Court acknowledged the power of the states to place some restriction on abortions but refused to overturn *Roe vs. Wade*, as they had been asked to do. The argument against doing this was a variation on *stare decisis*, making the claim that to overturn would undermine the authority of the court. But the appeal to error has long been available under *stare decisis*.

But there is more to the difficulty of getting an effective majority on the Supreme Court than has been brought out yet. Some appointees who appeared to and might have been somewhat conservative when they were appointed “grow” in office. The term is one

used by liberals to describe the left-ward leaning tendency of their arguments and votes. What probably happens is that justices tend to adjust to the surrounding sway of opinion in the Supreme Court and Washington. The climate of opinion there is more liberal than not, regardless of who is in power, for it is informed by the *Washington Post*, *New York Times*, *Wall Street Journal*, *Time*, network television, and so forth. If judges want their opinions and votes to get favorable attention in the media and the universities or large law schools, they increase their chances by leaning to the liberal side. But it still remains the case that much of the difficulty in getting a conservative bench lies in getting Senate approval. Robert Bork would undoubtedly have made a much greater difference than the bland Anthony Kennedy.

Judge David Souter is a case in point of a Supreme Court appointee "growing" in office. Justice William Brennan, who retired in 1990, had "grown" so much in office since being appointed by Eisenhower in 1956 that he was described as "the court's leading liberal." It took President Bush only a few days before nominating David Souter of New Hampshire to succeed him. Mr. Bush was influenced in his choice by the vigorous support of his chief of staff John Sununu, former governor of New Hampshire, and Warren Rudman, a senator from that state. He was a dour, retiring bachelor who lived in a rural farmhouse, had a successful career in state office and courts, but about whose views not much was known and little could be discovered. He had apparently never excited much controversy either by his opinions or behavior. Some conservatives hoped he would be conservative, and a good many liberals suspected he would turn out to be moderate. He was quickly confirmed in the Senate by a vote of 90 to 9. On the court, he has tended to take a less than daring position in the middle.

President Bush's next nomination to the Supreme Court did not work its way so smoothly through the Senate. It came in the summer of 1991 when Justice Thurgood Marshall retired. Bush nominated Clarence Thomas, a Georgian, to replace him. Both Marshall and Thomas were black, but Bush insisted that his desire to appoint Thomas was not occasioned by his race but because he was the best man for the job. The Democrats on the Senate Judiciary Committee were not persuaded of his superiority. In fact, Clarence Thomas was



Clarence Thomas (1948-)

Thomas was appointed Associate Justice of the Supreme Court by President George Bush to succeed Justice Thurgood Marshall. Unlike Marshall, Thomas was neither a professional black nor a liberal. He does not fit the mold for black political organizations, for he is conservative, entered government by a way of appointments from Republicans, and is married to a white woman. It was not surprising, then, that his nomination to the Supreme Court would run into opposition in the Senate, especially when most black organizations opposed him. The best they could come up with against him, however, was a weak case of sexual harassment. His learning and objectivity counted little with most Democrats, some of whom were even put off by his professed belief in natural law. Anyway, he squeaked through and is on his way to becoming an effective Supreme Court judge. Thomas was born in Georgia, graduated from Holy Cross College and Yale Law School. He was chairman of the Equal Opportunity Employment Commission from 1982-1990 and served on the appeals court before being appointed to the High Court.

well qualified for the post. He was a lawyer, had graduated from Yale law school, was serving as a Federal appeals court judge when he was elevated to the high court, and had been appointed to responsible positions by Presidents Reagan and Bush. He was avidly supported in his Supreme Court candidacy by Senator John Danforth of Missouri, for whom he had worked as a legislative aide. Moreover, his Supreme Court opinions and decisions give after the fact proof of his judicial abilities.

Although various and sundry trivial or insubstantial objections to Clarence Thomas were raised in the press and in committee hearings, there is good reason to believe that resistance to approving him was partisan and based on his conservatism. It might be supposed that since Thomas was black that black political organizations would support him. Among organizations opposing the candidacy after the first month were: the National Organization for Women, the

Women's Legal Defense Fund, People for the American Way, the Alliance for Justice, and the Congressional Black Caucus. Some black organizations held out for a while before taking the stand against approving Thomas. Then the NAACP and the Leadership Conference on Civil Rights came out in opposition. This reassured Democrats who might otherwise have wanted to oppose Thomas but were fearful of losing the black vote in their states or districts.

It was widely believed that Thomas opposed abortion and would vote to overturn *Roe vs. Wade*, but Thomas refused to state his views and denied having considered the matter. He apparently confused the pundits by affirming his belief in natural law—a view that may have overqualified him for the Supreme Court. He was not in favor of set-asides, hiring quotas for blacks (or anyone else), affirmative actions, or other privileged programs sought by black leaders generally. Undoubtedly, Justice Thomas believes in equality before the law and those traditional rights supposed to belong to all Americans.

The crux of the argument against Thomas was that he was not a “professional” (to use a familiar term in an unfamiliar way) black politician or judge. That is, he has not made a profession out of supporting the black causes, of defending the “black” position on all issues, of seeing and elaborating the black side as a rule. On the contrary, he, along with most other black conservatives, has intellectually transcended (risen above) race—race interest groups, race categories, and, above all, racial stereotypes. He is a man, an American, has more nearly taken a position from which he can adjudicate issues involving people as people rather than as members of some collective.

If this is so, it might be supposed that to have achieved so large a degree of transcendence would be greatly admired, especially among blacks. After all, millions are thought to have been swayed by Martin Luther King, Jr.'s moving speech from the Lincoln Memorial in 1963 called “I Have a Dream.” “I have a dream,” Dr. King said, “that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident; that all men are created equal.’”

“I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood....

"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character....

There are other facets to the "dream" as he unfolded it, but perhaps enough has been quoted to make clear that to the extent King's dream can be realized it will be by transcending race. He surely understood that whites must transcend race, or racism, but if it was not clear then it is becoming so now that blacks must also transcend their race. It appears that Clarence Thomas has done that while many other, perhaps most, blacks are mired in interest group racism. It is on racial, ethnic, sexual, and class groups that Democrats depend for getting elected. Therefore, in pursuit of their narrow goals, they cast about for ways to defeat Thomas's candidacy. The Senate Judiciary Committee split 7-7 in an indecisive vote in September 1991 and sent it to the Senate for a deciding vote.

Before the uncertain vote could be taken there, however, word of revelations of charges of misbehavior by Thomas were brought to the attention of the Senate. The matter was sent back to the Senate Judiciary Committee for further hearings. Anita Hill, a law professor in Oklahoma, claimed that Clarence Thomas had sexually harassed her when she worked under him in the early to mid-1980s. Feminist groups had been busily sensitizing Americans to the ills of sexual harassment in the workplace and to the desirability of believing charges made by women implicitly. The Anita Hill case quickly became for them a *cause celebre*. In the midst of hearings Representative Patricia Schroeder of Colorado and three other of her female legislative colleagues marched on the Senate to try to influence the Senate to do the appropriate thing.

In any case, Anita Hill's case was less than overwhelming. She claimed that Clarence Thomas had made repeated advances to her which she repeatedly refused, that he engaged in gross and obscene talk at the workplace, and that he described pornographic movies he had seen in detail to her. Judge Thomas denied categorically that he had done any of the things that she alleged. Nor could anyone else be found who had seen or heard anything remiss going on. The best evidence brought forth in support of her claims was that two or three people testified that she told them she was being or had been sexually harassed. Not only was this hearsay—generally inadmissible in

a court of law—, but there were other flaws also. Anita Hill had not identified Clarence Thomas by name in a couple of cases, and in one the woman had moved to the west coast before Hill had come to work for Thomas but said she had been told of the harassment before leaving Washington.

Anita Hill was closely questioned by Republican members of the Committee, especially by Senator Arlen Specter of Pennsylvania. This infuriated some feminists who thought she should be believed without question. In fact, there was much that did not add up about her charges. It had been nearly ten years since some of the alleged harassment had taken place, yet during all that time she had never lodged a complaint against Thomas with any authorities. Some of the alleged harassment actually was supposed to have taken place while both she and Thomas were working at the Equal Employment Opportunity Commission, yet no complaint had been lodged there. Moreover, Hill had moved with Thomas from the Education Department, where the harassment was alleged to have begun, to EEOC at her own request.

More, she maintained contact with him after she had left Washington and taken other employment. Whenever it might be useful she had continued to use his name as a reference during these years. Nor was any evidence introduced that would even suggest that Clarence Thomas had a habit or pattern of harassing females in his employ or otherwise. The women who had worked with Thomas and who testified all denied that he had ever behaved other than properly around them. To all appearances and from what he said Thomas was crestfallen and deeply wounded by the hearings.

When the hearings ended, the Senate in a highly partisan vote, with a few Democrats crossing over, approved Thomas for the Supreme Court by a vote of 52-48. In the wake of these events, radical feminists have spoken as if the name Anita Hill had acquired cosmic significance, as if by merely repeating it they could demonize Clarence Thomas and make her the universal symbol for sexually harassed women everywhere.

Meanwhile, Justice Clarence Thomas has taken up his rightful place on the Supreme Court where he is demonstrating his determination to render equal and exact justice to all without regard to race or other status qualifications. For example, in *Dawson vs. Delaware*,

Thomas dissented from the majority decision. He argued that states should not be prohibited to introduce evidence during the consideration of what sentence to give. The defendant belonged to a racist prison gang known as Aryan Brotherhood. On the other hand, he warned in *Holder vs. Hall* that racial gerrymandering to set up predominant black and white districts would result in “racial balkanization” He has generally voted with Scalia when there are divisions in the court, and these two, when joined by Rehnquist, constitute the dependably conservative bloc on the court.

Military Undertakings

With the Cold War winding down from early in Bush’s term, the general view was that defense spending could be reduced. The build-up was ended, and a more determined effort was made to reduce the number of military installations in the United States. The justification of military spending shifted somewhat during the Bush years too. Bush used the phrase “New World Order” to describe what had either arrived or was in the offing. Some of the more wary commentators saw in this the potential threat of a world government sometime in the near future. But that was to read far too much into what was little more than a casually turned phrase. Much more likely, it signaled his belief that the United States had emerged as the only super power in the world and that the United States would use that power to deal with threats to the peace in the world. In any case, that is what has generally happened since then.

The first military undertaking of the United States was against General Manuel Noriega in Panama in late 1989. In 1988, a Federal grand jury had indicted Noriega for drug trafficking, but though the authority of Federal judges has a wide range, it does not extend into foreign countries. The United States did impose economic sanctions on Panama, but Noriega was unmoved. Developments heated up in 1989 when Noriega was defeated in an election. No matter, Noriega used his control over the army to prevent the man elected to succeed him, Guillermo Endara, from taking office. At that point, the United States encouraged dissidents to rise up and overthrow Noriega. Their effort to do so failed, Noriega began to talk about war between the



H. Norman Schwarzkopf (1934-)

Schwarzkopf was the commanding general of American and allied forces in the Gulf War. He oversaw the operation in 1990-1991 from its organization in Saudi Arabia to the driving of Iraqi forces out of Kuwait. It was a swift and decisive victory—General Schwarzkopf's moment of stardom in history. Training and experience had fitted him for that role. He was born in New Jersey, the son of a retired army brigadier general in charge of the New Jersey state police. As a youth, Norman had attended several military academies, went on to graduate from West Point, where he was in the top 10 per cent of his class. His main combat experience was in Vietnam, where he had two tours of duty. The first was as an advisor to the South Vietnamese army, and the second was as a combat battalion commander. He was much decorated for his latter role—won three Bronze Stars, three Silver Stars, and two Purple Hearts. The inconclusive War in Vietnam, poorly supported by a divided America, spurred him on to the dramatic conquest of Iraq.

two countries. When an American officer was killed by Panamanian soldiers, President Bush had had enough.

The reinforced American army attacked Panama on December 20, 1989. Superior U. S. force overwhelmed the Panamanian army after several days of fighting. Noriega did not immediately surrender, however. Instead, he took refuge in the Vatican embassy, but he gave up in early January, and was then flown to Miami to stand trial. The United States Army wasted no time in dealing with Noriega by installing an Endara government and in training a military force to replace the disbanded Panama army.

Operations of American forces in countries adjacent to the Persian Gulf in 1990-91 involved much greater force, an actual brief war, and much more extensive diplomacy. It began when Saddam Hussein's Iraqi forces rolled into and conquered Kuwait on August 2, 1990. President Bush denounced the invasion and takeover immediately, and made it clear that this country was greatly concerned. When King Fahd of Saudi Arabia approved, Bush began on August 6

the gradual buildup of American Forces in that country. It was called Operation Desert Shield, and its purpose, the President emphasized, was to obtain Iraqi withdrawal from Kuwait, restore the Kuwait government, protect the lives of American citizens, and secure the Persian Gulf.

While what became the Gulf War (Operation Desert Storm) was largely a military undertaking by the United States, President Bush and Secretary of State James A. Baker worked vigorously to make it an international effort. On August 10, 1990, the Arab League voted to send troops to Saudi-Arabia and elsewhere to protect against Iraqi invasion. On August 25, the UN Security Council authorized a naval blockade of Iraq to enforce economic sanctions. All told, 34 countries besides the United States sent troops and arms to be used in the Gulf War. On November 29, the UN Security Council voted to use "all means necessary" if Iraq did not withdraw from Kuwait by January 15, 1991. All of this international participation, especially United Nations approval, tended to defuse American liberal opposition to the war. (Liberals are by ideology pre-committed to international efforts and the United Nations.) On January 12, both houses of Congress authorized the use of force to make Iraq leave Kuwait.

Desert Storm was launched on January 16. From that date until February 23, it consisted mainly of land, air, and naval shelling of Iraq, extending all the way to Baghdad and beyond. Iraq responded with long range missile (Scud) attacks on Israel. The United States sent Patriot anti-missile missiles to Israel. Within a few days of bombing attacks and other air raids, the United States effectively destroyed the Iraqi air force. They continued to launch Scud missiles from time to time against both Israel and into Saudi-Arabia, but they had little strategic impact on the war. The United States launched a high-tech assault such as the world had never seen, involving guided missiles, stealth planes that could penetrate enemy defenses at night, and eerie night-time bombing assaults. United States forces were under the overall military authority of the Chairman of the Joint Chief Staff General Colin Powell. President George Bush appointed him to this command position, the first black ever to occupy it. General Norman Schwarzkopf was in command of U. S. forces in Saudi-Arabia. His became a familiar and authoritative face and voice



Colin L. Powell (1937-)

*Powell was a general in the U. S. Army (now retired), advised President Reagan on National Security, and was appointed chairman of the Joint Chiefs of Staff by President Bush. He was the first black and the youngest person to serve in this high post. Also, his was the top military position during the Gulf War. Born in Harlem, NY the son of Jamaican immigrants, Powell graduated in geology from City College of New York in 1959. He had distinguished himself in the R.O.T.C. unit there, and thus qualified for and became a commissioned officer in the U. S. Army. After serving two tours of duty in the War in Vietnam, Powell got a master's degree in business from George Washington University, and studied at the National War College. Since his retirement, his stature and widespread name recognition, augmented by his popular autobiography, *My American Journey*, have propelled him toward a political career, but he has thus far refrained from throwing his hat in the ring.*

in televised briefings seen on network television in the United States.

Iraq set Kuwaiti oil facilities aflame on January 22, and the next day made a large oil spill to foul the waters of the Persian Gulf. On February 12, the U. S. and allies launched the largest land, sea, and air shelling attack of the war. Finally, on February 23, a major land attack was launched. Despite allied superiority in the air, a ground assault did not present a welcome prospect. Iraq was reputed to have one of the largest armies in the world, its troops seasoned by the 8 year war against Iran, only recently concluded. It was expected to offer major resistance. That was not to be. They had been subjected to such intense and prolonged shelling that Iraqi soldiers looked as if they were in a state of shell shock as they moved to surrender as soon as ground forces came in sight. Some of the troops who had been farther removed from the border did offer more resistance, but overall they performed pitifully against the allied juggernaut. The United States had 376 casualties; the estimated casualties of Iraq were around 100,000. After only four days of fighting, President

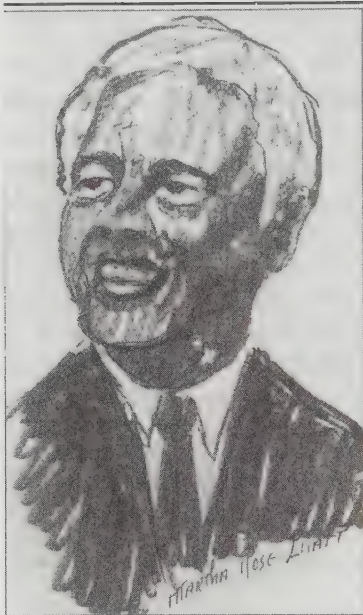
Bush announced on February 27 that Kuwait had been liberated and that Iraq's army had been defeated. On March 6, he announced that the war was over, and shortly afterward Saddam Hussein accepted the terms laid down by the United Nations.

The war did not last long enough to become unpopular. It was such a quick and overwhelming victory that President Bush's popularity stood at an all time high. Even so, many were disappointed that our army had not gone on to Baghdad and captured Saddam Hussein. He was reckoned to be the villain, yet he was permitted to remain in power. Nevertheless, the United States had sent a powerful message. The Iraqis had been driven out of Kuwait, and those with territorial ambitions might take warning. The military people who had been stationed in Saudi-Arabia had mostly learned about a place in the world they would not like to live. And prophecies to the contrary notwithstanding, the Kuwaiti oil fields did not bum for years; the fires were all out by November.

Black Advancement and Racial Turmoil

The late 1980s and early 1990s was a mixed bag for blacks in the United States and elsewhere. There was continuing advance of blacks to high position, especially political ones. On the other hand, there was considerable racial turmoil during these years. These two developments may not appear to be related, but on closer examination it may at least be seen that they are two parts of the same puzzle. But let us look first at some examples of black advancement over the past decade.

In 1989, Douglas Wilder of Virginia became the first elected black governor in the United States. In the same year, David Dinkins became the first black mayor of New York City, and Norman Rice was elected mayor of Seattle. Both Mayors Tom Bradley of Los Angeles and Coleman Young of Detroit were re-elected. Maynard Jackson had been mayor of Atlanta in the 1970s, and in 1989 he was elected to that post to succeed Andrew Young, another black mayor of Atlanta. Harold Washington was elected mayor of Chicago. Richard Arrington has been mayor of Birmingham since the 1970s.



L. Douglas Wilder (1931-)

Wilder was elected governor of Virginia in 1990, the first black to be elected chief executive of a state. His election by Virginia was even more remarkable: he was the grandson of slaves, Virginia was the site of the capital of the Confederacy, and the state has a preponderance of white voters, from whom Wilder received a considerable share of the votes. Although he started out with a goodly amount of fanfare and attention from the national media, by 1994 Wilder had faded along with the Democratic Party in general. He tested the waters briefly for a presidential run in 1996, but his candidacy never attracted much following. Wilder was born in Richmond, graduated from Virginia Union College in 1951, and served in the Korean War. Later, he took a law degree from Howard University and returned to Virginia to practice law. He was also the first black elected to the Virginia legislature, where he served for 16 years.

Some elections of black mayors of large cities can be attributed to the large concentration of black populations and the movement of whites outside city limits, but not all of them. Only 10% of Seattle's population is black. Carol Moseley-Braun was elected to the Senate from Illinois in 1992.

In 1990, Sharon Pratt Dixon was elected mayor of Washington D. C., the first black woman so elected to be the top elected official in a major city. In the same year, Gary Franks of Connecticut was the first black Republican to be elected to the House of Representatives since 1935. Blacks were also appointed to high government positions during this decade. General Colin Powell's appointment as Chairman of the Joint Chiefs of Staff has already been mentioned. In 1989, Dr. Louis Sullivan was confirmed as Secretary of Health and Human Services. Ronald Brown was elected to head the Democratic National Committee the same year. In 1992, 40 blacks were elected to national office, and blacks were also gaining in elective offices at the state and local level.

Some portion of the increase of elected blacks (and Hispanics) was the result of new voting districts drawn to accomplish just such an increase. The Voting Rights Act of 1965 required that voting districts (including local ones) be redrawn to assure concentrations of minorities in some of them to be able to elect persons of their choosing. The result has been a goodly amount of gerrymandering of districts, which in the mid-1990s is being successfully challenged in the Supreme Court.

Blacks have advanced in private undertakings, too, especially in college and professional sports. In 1989, Bill White became the first black president of baseball's National League. Art Shell, a former pro football player, was made head coach of the Los Angeles Raiders, the first black to hold such a position in the National Football League. There are several black coaches in the National Basketball Association, Lenny Wilkens of the Atlanta Hawks, for example. Moreover, there are many black millionaires who play professional football, basketball, and baseball. Charles Barkley, who plays basketball with the Phoenix Suns, told his mother, who lives in Birmingham, that he was a Republican. She asked him why in the world he voted that way, since Republicans are rich. "But mama," he replied, "I'm rich, too."

Legal segregation has been ended for a generation. No employments nor kinds of education are closed to blacks. Many have become lawyers, professors, teachers, physicians, technicians, military commissioned and non-commissioned officers, owners of small companies, drive contemporary cars, go on vacations, and live life styles associated with the middle class. Even so, as an encyclopedia article concluded, "Many blacks continued to live in desperate conditions in the United States, with black unemployment exceeding that of any group in the nation. A disproportionate number of young black males were in prison or on parole. The infant-mortality rates of blacks were twice those of whites. Dr. Louis Sullivan...reported...that the life-expectancy rates for blacks was only 69.5 years, compared with 75.5 years for whites." (*The American Annual*, 1991, p. 230)

It is in the explanation for the above disparities that the link between black advancement and racial turmoil can be found. While advancement is almost exclusively individual, many blacks are

mired in a collective, group, or racial approach. More, they have been encouraged to take this approach by the liberal establishment, black and white. The collective', group, or racial approach can never result in the general improvement of the lot of the collective, group, or race. On the contrary, it will tend to further impoverish them, or society generally. That is because it is unproductive and/or counter-productive.

Let us take an example from life that will demonstrate the point simply. The lottery will both provide the illustration and apply especially well to blacks, since experience has shown that many blacks are attracted to this illusive road to riches. The lottery is in essence a collective approach to assembling wealth. Tickets are sold for a small price, but millions of tickets are sold. Then prizes are awarded, small ones regularly, and spectacular ones at drawings held from time to time. Thus, a portion of the wealth collected is given away, but it matters only marginally whether all of the money is given away or only a fraction of it. In any case, only a tiny portion of those who buy tickets will ever be enriched spectacularly, and others, relatively more, will have got a little money for their tickets. As a rule, both those who occasionally win a few dollars back and those who do not are impoverished so that a few can be spectacularly enriched. That is so because the lottery is unproductive; it produces no goods, merely redistributing the wealth it collects. In sum, lotteries can never improve the material well being of people generally.

But to get to racial turmoil, we must examine more violent approaches to wealth. The Rodney King case and its aftermath provides us with one example. On March 3, 1991, a bystander made a video of the beating of a black man, Rodney King, by several Los Angeles policemen. An inflammatory portion of the video was shown to television audiences nationally. It was inflammatory because it showed only the virtually subdued Rodney King being beaten. It did not show his violent resistance to being arrested. Nor did it show the high speed chase that had preceded these events. Nor did it show the alcohol or other drugs that King consumed prior to these events. Also left out was the fact that there was a black man in the car besides King who was not harmed.

Nor was the criminal and violent behavior of Rodney King the focus of attention after the event. Instead, the focus was shifted to

the policemen who had subdued him, had beaten him up in doing so, but which he survived to drink and drive and be arrested for it once again. Four of the policemen were tried for assaulting King. Their defense obtained a change of venue out of Los Angeles to Simi Valley in Ventura county. The jury found the officers not guilty of the charges.

The fact that the jury was predominantly white and had no black members may have increased resentment among blacks in Los Angeles. For whatever reasons, violence erupted on April 29, 1992 in south central Los Angeles, turning into the most deadly race riot in history. The police hardly responded at all in the first several hours, and riots spread far and wide. Korean businesses and whites in general were favorite targets of the mainly black but multi-ethnic rioters. White people who happened to be in or ventured into the area were subject to being pulled from their vehicles and otherwise attacked. A truck driver, Reginald Denny, was pulled from the cab of his truck and savagely beaten by rioters. Looting was especially vigorous in Koreatown at the western edge of south central Los Angeles. "Bands of angry looters and arsonists sought out businesses in Koreatown. Some Korean owners stayed to defend their stores with a variety of weapons." (*Americana Annual*, 1993, p. 189) Fire fighters were generally interfered with in their efforts to put out the spreading fires.

Governor Pete Wilson called out the California national guard to restore order. Eventually, 1,500 United States Marines and 3,000 Army troops were brought in to bring order. More than fifty people had been killed and the destruction of property was estimated to be in the range of \$1 billion. Between April 30-May 5, nearly 7,000 people were arrested in the riot areas. "Sympathetic violence" broke out in San Francisco, Atlanta, Seattle, Las Vegas, and Miami.

The fruits of the riots were varied. Lawrence Powell, one of the police officers originally tried in Simi Valley, was ordered to be tried again on charges of using excessive force under color of police authority. On August 5, 1992, all four officers were indicted by a Federal grand jury for violating the civil rights of Rodney King. They were tried, and two men, Lawrence Powell and Stacy Koon, were found guilty, two were acquitted. Reginald Denny declined to press charges against the blacks who had maimed him. In June,

1992, Congress passed and the President signed an emergency aid bill which, among other aid elsewhere, provided loans to rebuild businesses in Los Angeles. A broader aid bill was passed by Congress in October but was vetoed by President Bush.

There was certainly racial turmoil involved in these events, but sense can be made of it. The usual charges were that inner city people in south central Los Angeles were suffering from economic hardship, police discrimination, and were affronted by the initial failure to punish the police who had beaten Rodney King. Random violence and destruction is counterproductive economically. Not only does it produce no goods but it also destroys much wealth in the process. Moreover, in addition to destroying wealth, it throws obstacles in the way of the normal production and distribution of goods. Riots raise insurance rates, and the looting and burning of stores make it more expensive to sell goods in such areas.

But, it may be argued, the rioters sought not goods of a material kind but rather justice. If so, they took a strange route. The rioters produced injustices on a large scale. Many of those who were killed had committed no crime. In any case the killing was much too indiscriminate in the midst of the riots to attend to strict justice. Reginald Denny had committed no offenses known to his attackers. It was unjust to assault him. Surely, the Korean merchants had done little more heinous than to store goods and sell them to willing purchasers. Well, at least the police officers who had beaten Rodney King were found guilty and punished. That is true, but was it just? Should they have been subjected to what looks very much like double jeopardy to achieve that end? This has the look also of mob rule. The intimidation of rioting to force court action reeks of lynching at one remove from the actual act. To claim that justice can be obtained by rioting has all the merits of the position that lynching is only swift justice. No doubt, some of those who were lynched were guilty of the offense for which they were unceremoniously put to death.

The Rodney King case poses yet another historical question. If what is wanted is to improve the lot of the denizens of south central Los Angeles, the rioters have lined up on the wrong side of the issue. More, to the extent that governments have knuckled under and rewarded this wrongheaded behavior, they have sent the wrong signals to those seeking to improve their conditions. Rodney King

was a part of the problem, not the solution. The behavior patterns and ways of many of the people who inhabit these areas are the reason for much of their poverty and distress. They are held down by drunks, macho drug dealers, random violence, illegitimacy, drive-by-shootings, drug addiction, rampant irresponsibility of fathers for their children, sexual promiscuity, and deep-seated animosities toward people outside their orbit of operation. When those who are miscreants who inhabit these areas change their behavior, assist the police rather than ganging up on them, show respect for those in authority, free themselves from their paranoia about outsiders, clean up their language, abide generally by the laws, show appreciation for honest work, and *etcetera* and *etcetera*, they will undoubtedly be treated more gently and kindly by the police.

The advice the Apostle Paul gave nearly 2,000 years ago is appropriate to the rebellious age in which we live and especially for the disorder which prevails in many inner cities. He was addressing the issue of resisting earthly power, to which he wrote: "Let every soul be subject unto the higher powers.... For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is a minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to *execute* wrath upon him that doeth evil." (Romans, 13:1, 2-3)

That criminals should view the police as enemies is hardly strange or even worthy of comment. Drunks and scofflaws such as Rodney King cannot appear in courts of equity asking for justice. Their hands are dirty; they have not qualified themselves. What is strange is that presumably upstanding people take their stand with Rodney King, with scofflaws, with the derelict, with criminals, and what should be by their behavior outcasts. Examples abound of this perverse attitude. Those who look at the matter that way then tell the rest of us that people who live in these conditions are poor and in desperate condition.

Just so, for lawlessness and disorder hardly provide the environment for prosperity. Criminals prey on the honest and hardworking. Force is not much help in producing goods. Hard work and cooperative attitudes are necessary for these accomplishments. Racial tur-

moil aimed at inhibiting those who are supposed to enforce the laws makes the situation worse, not better. These upside down attitudes pervade the national media and cower politicians into adherence with what they want.

President Bush's popularity began to decline from its high during and immediately after the Gulf War. Despite his earlier hope, government remained deadlocked most of his term on partisan grounds. Bush vetoed nearly as many bills during his one term as Reagan did in two terms—29 to 39. That is at least understandable, since Reagan only confronted a Congress in which both houses were controlled by Democrats for 2 years; whereas, Bush was in that kind of bind during all four of his years. The unemployment rate rose from 5.3% in 1989 to 7.74% in 1992, giving added color to the impression that the United States was in a recession during the latter year. In addition, the government continued to run large deficits each year, and the national debt continued to mount. Bush's approval rating dropped lower during 1992.

A remarkable and singular constitutional event took place in 1992. The 27th Amendment was declared ratified and a part of the Constitution. What was singular was not that an amendment had been ratified—that had happened 26 times before—but that this amendment was over 200 years old when it was finally ratified. It was among that first series of amendments drawn up by James Madison and approved by the House and Senate but had never received enough ratifications by states until 1992 to go into effect. No time limit had been set for it to be ratified, so early ratifications still stood and from time to time additional states ratified it.

What carried it over the top was widespread public indignation that Congress gave itself a hefty pay raise in 1991. Undoubtedly, it was fueled also by the low esteem in which politicians were generally held. At any rate, here is the Amendment with all its clarity and brevity.

Twenty-Seventh Amendment [1992]

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

Chapter 8

Americans at Work and Play

In an earlier America—in the first half of the 19th century, say—work and play were not such separate activities as they have become for us in the 20th century. Indeed, in that earlier time, play was generally thought of as something which small children did until they could spend their time in more useful pursuits. Young people and even adults did engage in some play, but often enough it was work related. For example, house raisings, corn huskings, and quilting parties entailed useful work, but they were also social occasions and could involve contests and other elements of play. Even small children often played games which prepared them for more grown up work.

But with us work and play are more or less quite distinct and separate activities. Work is something we do in expectation of pay in wages, salaries, profits, fees, produce, or some sort of income. Most often work is done for some individual or organization, and is performed in a factory, mine, mill, shop, classroom, office, studio, or at some location at some remove from where they otherwise live. Play, on the other hand, is something we do on our own or with others in our leisure time, on vacations, holidays, weekends, or during designated play periods. Play may well include participating in games, exercise, recreation, amusement, and watching paid professionals perform. Play may also include various hobbies from which one does not earn a livelihood or expect to be paid.

Indeed, much that is here classified as play may be produced by amateurs or paid professionals and may constitute the work which they do for a living. Indeed, entertainment is big business nowadays. It is nowhere more big business than in professional sports. Those who perform are often referred to as “players,” but they are in reality workers who divert, amuse, or entertain the rest of us for a living. It could be that play and work are becoming entangled once again, since an increasing number of the players are in fact workers.

At any rate, some of the facets and characteristics of people and organizations at work and play in the late 20th century are the subject of this chapter.

Americans at Work

Work has to do with the production and distribution of goods. A good is anything that is desired or wanted for consumption or use and may range from a cruise ship to a banana to almost anything that exists or can be produced. Production is probably clear enough, but distribution may need further clarification. The work entailed in distribution is the transportation, storing, stocking, and selling of goods. Work changes for a variety of reasons. It changes to meet changing consumer wants. New technology may change what people work with as well as where and what kind of work they perform. For example, computer technology has produced changes by leaps and bounds over the past decade. Whether it produced an information explosion or not, it certainly made a great deal more information more readily available. Large numbers of people work with or at computers today, most of whom would have had little or nothing to do with them a decade ago. The change of government rules and regulations can effect great changes in working conditions and employment. At any rate, it is the changes that have occurred or intensified in recent years that will occupy much of our attention in this section.

1. Government Obstacles to Production

Government rules and regulations provide the legal framework—the legal environment, so to speak—in which production and distribution takes place. Government aids production and distribution by protecting life and property, by keeping the peace, by prohibiting theft, fraud, deception, and the like, by capturing perpetrators of such crimes and punishing them, and by making it safe for peaceful men to do business, complete transactions, and engage in trade and commerce. There are other things that governments can do, and some of them most governments do at one time or another that may

aid production and commercial activity, but the above covers most of the essentials and should not be controversial.

Our main concern here, however, is with the obstacles which governments, national and state, but particularly national, place in the way of the production and distribution of goods. The focus will be on those that have been most intrusive over the past decade or so with references only to long standing ones. Note, too, that the fact that a regulation may impede or make difficult production or commerce does not prove that the regulation should be removed. It does tend to prove that the regulation is costly, and it generally is the case such costs as are involved are born by consumers. In the main, though this is not a policy argument; it is rather a description of what has happened during and sometimes before the period under consideration.

The most prominent of the regulations over the past decades have been such things as those having to do with the environment, affirmative action for minorities, sexual harassment in the work place, pollution, asbestos, cancer causing substances (in food especially), endangered species of animals, facilities and aids for the disabled, among others. Undoubtedly, the most comprehensive subject for regulation that has ever been devised is the environment. Indeed, there is no earthly limit to what constitutes our environment. Everything that is done, or perhaps left undone, has some impact on the environment. The United States has had an Environmental Protection Agency since the early 1970s, and most states have joined into the effort in one way or another, whether their aid is mandated by the Federal government or not. Environmentalism has already gone international, and agreements have been forged about the adoption of environmental policies.

Every new business, factory, mine, mill, office complex or what not has to comply with greater or lesser environmental regulations, which usually involve making assorted studies and surveys, applying to national, state, and local governments, and long waits for decisions on some of them. This horror story came out of the decision of Mitsubishi Corporation of Japan to locate a factory in Texas. Officials of the company were promised that they could get all the necessary permits within 12 to 18 months. "The first application was submitted in June of 1989. Then came three years of conflict among

environmental groups, permitting agencies, and company management. Air-and-water discharge permits had to be obtained; the U. S. Army Corps of Engineers had to issue its own permit; an assortment of permits from state, county, and city agencies were also required—more than thirty in all. The Army Corps of Engineers promised a decision within sixty days, but waited 21 months.” (John Hospers, “Regulation and Productivity,” *The Freeman* [July, 1994], p. 375)

It often takes longer nowadays to get all the permissions to begin to build a small factory than it took James J. Hill in the latter part of the 19th century to build and put together the Great Northern railroad from the Midwest over the mountains to the West Coast. Mitsubishi gave up after nearly three years of getting permits and no end in sight as to further difficulties they might have in operating the smelter. Instead, they pursued their project in Japan, where they obtained their permits in 18 days!

The Endangered Species Act has brought on all sorts of difficulties in commercial or private use of private property. For the sake of preserving certain owls, whole vast forests in the timber rich Far West have been shut down for lumbering. Animals such as bats and snakes—not favorites of large numbers of people—if they are held to be endangered are protected from those who own lands which they use. How ridiculous this can become is illustrated by the efforts in California to protect the Delhi Sands Flower-Loving Fly, a short lived small insect which has its habitat here and there in San Bernardino County. How much it cost in the process of building a medical center in one of the habitats is recounted in this report:

The Endangered Species Act as applied to the construction of the San Bernardino County Medical Center resulted in an expenditure of \$3,310,199 to mitigate [to make less harsh the conditions] for...eight Delhi Sands Flower-Loving Flies. The effort as negotiated with the U. S. Fish and Wildlife Service and California Department of Fish and Game resulted in moving and re-designing the facility to provide 1.92 acres of protected habitat for eight flies believed to occupy the site. The effort mitigates only for species on site. Cost per fly amounted to \$413,774.25 and

resulted in a one year construction delay. This cost is equivalent to the average cost of treatment of 494 inpatients and 23,644 outpatients. (Quoted in Sigfredo A. Carera, "Environmental Law Endangers Property Rights," *The Freeman* [August, 1995], p. 492)

Of course, not all endangered species protection is so expensive, but the point does emerge that there are costs, sometimes very large costs, attached to placing obstacles in the way of production and development.

The variety of obstacles to business thrown up by government is truly astounding. One writer attempting to illustrate this fact has given a homely example of how expensive it could be to set up a lemonade stand in Boston (writing in 1994). He says: "Opening a stand requires permission from five different government entities. Fifty-five dollars covers the cost of a city Hawkers' and Peddlers' license from the Division of Standards. A mobile food permit from the Health division runs \$100, while registering a business with the City Clerk cost \$30. For \$15 a square foot the Department of Public Works will issue a permit to sell on public sidewalks. Furthermore, Boston requires lemonade stand operators to carry \$500,000 liability insurance policies" (Ted Levinson, "Sour Days at the Lemonade Stand," *The Freeman* [October, 1994], pp. 561-64) There are other legal restrictions on this activity, such as the length of fingernails of lemonade dispensers, but probably enough has been told to convey the quantity of obstacles for a simple, even childish, undertaking.

The mention of liability insurance calls attention to an area of obstacles to doing business which have been increasing in recent decades. A major shift has occurred in the matter of responsibility for dangers involved in the use of products. The ancient rule of "Let the buyer beware" meant that ordinarily the buyer would be responsible for mishaps that occurred in the use of a product. That rule has been virtually abandoned by the courts. Product liability now reaches backward from the buyer to the seller to the manufacturer. Lawyers and courts feel free to lay the bulk of the responsibility on the party to the suit with the "deepest pockets," who is most able to pay large penalties. Hence, manufacturers and purveyors of goods find it essential to have multi-million dollar liability coverage.

The cost of doing business has grown with the huge liability payouts by people in business or their insurers. Liability insurance costs for physicians and surgeons rose drastically in the 1970s and 1980s. Rates of \$30-40,000 per year for liability insurance for individual physicians are not uncommon. The price of medical services rose, of course, to cover payment for insurance. Hospitals and clinics have to carry expensive liability insurance as well. Because of the high cost of insurance, many physicians have abandoned the practice of obstetrics.

Legal support and advancement for minorities has also often been accompanied by obstacles to production and distribution. The most recent of these was signed into law by President George Bush on July 26, 1990—the Americans with Disabilities Act. The law provided that beginning in 1992 businesses with 25 or more employees would be prohibited in their hiring practices from discriminating against the disabled. The businesses are also required to make reasonable accommodations available so that the disabled can perform their jobs. Beginning in 1994, the act would apply to employers of 15 or more workers. The law made it necessary for employers to install wheelchair ramps, special elevators, and other devices to aid the handicapped. It also required that all new rail passenger cars be accessible to people with disabilities. The same rule would also apply to other modes of transportation, including urban mass transit.

Affirmative action on behalf of blacks particularly, women in general, and other less prominent minorities has thrown up some obstacles to production. The Equal Employment Opportunity Commission, brought into being in the 1970s, has been a major enforcement agency. Law suits have produced an abundance of court orders over the years. Any government regulatory program or court order that requires some sort of compliance is apt to require extensive record keeping and filling out of forms. Such activity takes time and money away from production. Beyond that, however, the hiring of new personnel is apt to be time consuming under affirmative action rules or orders, as relevant minorities must be assured of hearings. Tests that would narrow the field of applicants can be and have been nullified, and efforts to produce new ones are expensive. Care may have to be taken to place advertisements over a specified area to

comply with rules. This may indefinitely delay hiring and in that way interfere with production.

But the largest difficulty with affirmative action and any special treatment of minorities is that they interfere with the routine standards of business requirements in adding employees. They intrude what should be extraneous concerns into hirings and promotions. The business concern is to get the best qualified person for the job and promote for effectiveness on the job. Race ethnic group, and gender, should be irrelevant to these concerns. Yet they cannot be if rules, quotas, law suits, hearings, and reports dictate otherwise.

All the old regulations still in effect and new ones enacted or more vigorously enforced over the past have not produced gridlock in the production and distribution of goods and services, not ordinarily anyway. The greatest danger of that over the years have been from industry-wide strikes, but the unions weakened over the past dozen years so that they no longer pose a major threat of that. Regulations, restrictions, and requirements may sometimes produce deadlock in production in particular companies. Small companies often fail and go out of business, some of them gridlocked, so to speak, by what the government added to business expenses. Some businesses never get underway because of the obstacles posed by government. But a general gridlock has not yet been produced in the United States.

2. Conglomerates, Mergers, and Takeovers

The activities discussed in this section have to do with public business corporations. A corporation is a fictitious being which is chartered by government and whose owners are limited in their liability for its acts. It may engage in business, produce goods or offer services, enter into contracts, borrow and lend money, have employees, and in many ways act as if it were a person. Its main advantages are that by its ability to offer limited liability it can attract many investors and if it is successful, it can engage in large and costly projects. Its other advantage is that it can exist indefinitely (is perpetual, as they say). That it is public means that shares in the corporation can be bought and sold by the public. That is, it is not privately owned or a closed corporation. Transactions in shares

in corporations are usually bought in stock exchanges, the largest and best known of which in the United States is the New York Stock Exchange, located on Wall Street in New York City. But willing buyers may buy from willing sellers anywhere. Corporations are controlled by directors or managers, who are selected, in theory at least, by the holders of common stock in the corporation. Now what all this means is that great changes in ownership and control can come about through stock purchases and related activities. It also is the case that corporations are subject to being bought, merged with other corporations, or taken over by other corporations. If the management does not wish to be taken over, it is called a "hostile takeover."

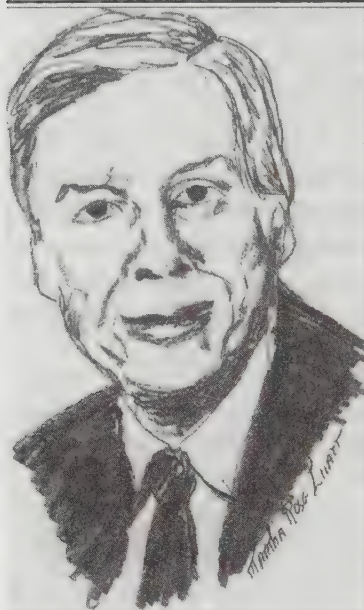
Conglomerates are umbrella corporate organizations to carry on diverse operations. The term refers to a business that has expanded beyond producing a single product or related products and suppliers of them to producing and distributing diverse products. Some diversified businesses existed before World War II, but most of them have been forged since that time. Indeed, the growth of businesses into conglomerates first got real momentum in the 1960s. For example, ITT (International Telephone and Telegraph), which was already a major multi-national corporation with huge holdings in telecommunications, became a conglomerate in 1961-1969 by acquiring the largest U. S. bakery, the largest hotel chain in the United States, the second largest car rental service, and several large insurance and finance companies. Gulf and Western at about the same time acquired companies in sugar, tobacco, steel, banking, insurance and motion pictures. A conglomerate, then, is a corporation having companies which produce diverse products and services.

There have been four great waves of mergers in United States history. The first came in the last years of the 19th and the first few years of the 20th century. This was the era when United States Steel was formed by J. P. Morgan, among others, and bought out Carnegie Steel. The next great era of mergers came in the 1920s, when the great automobile giant, General Motors, was formed by bringing together individual companies: Chevrolet, Pontiac, LaSalle, Buick, and Cadillac. A third great wave occurred in the 1960s, and, as already noted, conglomerates emerged and became an important new form of corporate ownership.

A fourth wave of mergers took place in the 1980s, and that is our major concern with this topic. These mergers dwarfed those of other eras in the wealth of companies involved and in the amount of money entailed in the purchases and sales. In the 1980s, something on the order of \$1.3 trillion was spent on the mergers—that's \$1,300 billion. In 1989, which was a huge year for mergers, \$210 billion was spent on merger activities. Among the largest of the mergers were: in 1982 U. S. Steel-Marathon Oil, \$6.26 billion; in 1984 Chevron-Gulf, \$13.25 billion; in 1989 Bristol-Myers-Squibb, \$12.56 billion; and also in 1989, the monster of them all, KKR-RJR-Nabisco, \$24.76 billion.

What was distinctive about these mergers was they were not simply cases of large companies taking over smaller companies, which had been fairly common in the past. But in these mergers small companies sometimes took over large companies. Indeed, the keys to the buy-outs and takeover was the "imaginative financing" that went into them, the huge amount of debt that funded them, and the shakiness of so many of the deals. This was not so much a case of rich corporations going on a buying spree as of corporate "raiders" ferreting out big deals in which they could become fabulously wealthy even if the deals fell through.

Voluntary mergers in which two or more corporations negotiate stock swaps and join forces did occur. But the ones that caught public attention were the hostile takeovers. In theory, but not necessarily in practice, a hostile takeover is the market's way of rejuvenating corporations that are resting on their laurels and no longer vigorously growing. Ideally, such a company's stocks are underpriced, and it has valuable assets (as in land or timber, for example) which can be sold to help retire debts accumulated in gaining control of the company. Spotting such a company, the would-be dominant owner (or corporate raider) begins quietly to purchase stock in the company. He is forbidden by law to acquire more than 5% of the company's stock without making his intentions known to the company's management. At this point, talks may take place, offers of stock trades or purchases may be made. If the raider is rebuffed, he may then proceed to attempt a hostile takeover, and the company managers may prepare whatever defensive measures they have in



T. Boone Pickens (1928-)

Pickens is best known as a corporate raider, that is, his attempts, usually unsuccessful, at hostile takeovers of giant oil corporations, and the like. Behind the facade he wears in public of benefactor of small stockholders is the greedy face of a skillful small time operator for big time gain. His strategy was to buy large blocks of stock at what he hoped were deflated market prices, announce his intention to takeover by offering inflated prices for outstanding stock, then sell out his stock to the highest bidder, much more than he paid for it, of course. These tactics earned his company—Mesa Petroleum—nearly one billion dollars by the mid-1980s. Among his profitable but unsuccessful targets-for-takeovers were: Cities Service, General American Oil, Gulf, and Phillips Petroleum. Pickens was born in Oklahoma, graduated from Oklahoma State University with a degree in geology. The management of Phillips was not venturesome enough, or so Pickens thought, so he left them to start his own company, which served as his base for attempted takeovers.

mind to keep him out. (Hostile takeovers are almost always engineered by men, not women, if not always.)

An example of hostile maneuvering to take over a corporation may illustrate how things might proceed. T. Boone Pickens, an Oklahoma oilman, emerged in the mid-1980s as a hostile takeover operator. Pickens had an oil company which he controlled, Mesa Petroleum. It had grown from a tiny venture exploration outfit in 1956 to a relatively large independent company valued at \$4 billion in 1985. It was not worth anything in the vicinity of the major oil companies, however. Pickens had maneuvered around some takeovers, in which he made some big money but was not the takeover bidder finally. He worked in the midst of the Gulf deal when Gulf merged with Exxon, and evinced an interest in Cities Service before Armand Hammer's Occidental Petroleum took it over. He made his big move, however, on Phillips Oil Company, which was a major one indeed. His first announcement came when he publicly stated that he owned 5.7 per cent of the stock and was moving to buy at

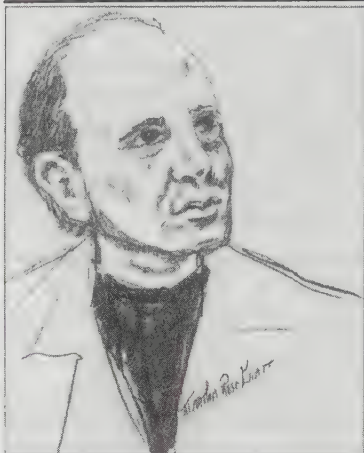
least 10 per cent more. His tender offer was for \$60 per share, which was considerably more than the stock was selling for. It had been selling for \$35 per share when Pickens had quietly begun to purchase the stock. Once he came forward with his tender offer, the stock began a major rise. Would Pickens move forward to acquire enough stock to take over? Or would a "white knight," a company that comes to the rescue of a company from a hostile takeover, come forward, perhaps, with a considerably higher bid for the stock? Or would Pickens consent to being bought off, taking a large profit for his efforts, as he was generally disposed to do?

Boone Pickens insisted he was going to take Phillips over, and move to Bartlesville, Oklahoma. It turned out that Bartlesville did not want him and made public prayers to be spared. The situation held other perils of an economic nature that would scare a prudent man off. Phillips had sought a court order to prevent Pickens from proceeding with the purchase. When that motion was rejected by the court, Phillips management opened negotiations with Pickens. Pickens sold back his stock to Phillips at more than he paid for them but less than his tender offer. Pickens also was reimbursed for his expenses, giving him a return on his effort of about \$75 million.

The most immediate of the big losers was Ivan Boesky, a risk arbitrager who had an estimated \$40 million invested in Phillips stock. A risk arbitrager is a stock trader who buys stock in companies which are expected to be subjects of takeover bids. He does so in the hope of selling for a profit as the stock rises. He will sell to whoever wants it the most, and he is usually poised to dispose of his stock swiftly so as not to be caught in a falling market. His lifeblood is hostile takeovers, and Ivan Boesky made a fortune in hovering around them as an arbitrager.

Of course, T. Boone Pickens was only one in a field of would be and takeover operators. Sir James Goldsmith, an English speculator, was a major venturer in the field, as was Carl Icahn. Ted Turner of Atlanta made a push to takeover CBS, but he did not succeed. Icahn failed in his attempt to takeover, but there were mergers and takeovers aplenty during the 1980s.

Behind the takeover, arbitraging, and large exchanges were huge financial doings that made these transactions possible. To back up tender offers for millions of shares of stock at prices far above



Michael Milken (1946-)

Milken invented the high yield “junk bond” and became the leading dealer of them in the 1980s. He specialized in providing the financing for hostile takeovers of companies by the sale of these unsecured bonds. His whole career was spent with Drexel Burnham Lambert, a Wall Street based securities firm. Milken obtained a business degree from the University of California and a master’s degree in the same field. He moved Drexel’s bond department to Beverly Hills, California in 1978, a more appropriate location than Wall Street for the fantasy world character of “junk bonds.” From this setting, Milken raised tens of billions of dollars to finance takeovers and earned billions of dollars in fees. The securities business was subjected to intensive investigation in the mid- and late-1980s, resulting in charges against both Drexel and Milken, among others. Milken eventually pled guilty on six felony counts, was heavily fined, and sentenced to 10 years in prison.

those in the market, indeed to remake the market for particular stocks, requires huge sums of money. Even those who are vastly wealthy in assets rarely are sitting around with large amounts of cash on hand. The money was made available generally by monetizing debt, that is, selling debt instruments—bonds, as they are commonly called—for money. The placing of bonds on the market is usually done by security companies. Among security companies involved in the financing of takeovers were Drexel Burnham Lambert, Kidder, Peabody & Co., and Goldman, Sachs & Co. Among the top individuals involved were Martin Siegel, Ivan F. Boesky, and Dennis B. Levine. But the kingpin of financing takeovers and the like was Michael R. Milken, head of high-yield securities in Beverly Hills, California for Drexel Burnham Lambert.

What Drexel did, largely by way of Milken, has been ably described this way. “Drexel dramatically increased use of high-yield bonds to finance takeovers and developed an extensive network of buyers for these securities as they came on the market. The network permits Drexel to assure a potential acquiring company it can obtain

financing for a proposed takeover without putting the firm's capital on the line or disclosing the bid to others." (Henry G. Manne and Larry E. Ribstein, "The SEC v. The American Shareholder," *National Review* [November 25, 1988], p. 28) These high yield bonds became known as "junk bonds" as these practices began to acquire a bad reputation. They are considered "junky" too because they are not investment grade bonds by the standards of Moody and Standard and Poor. They are high risk bonds, used in takeovers in making what are known as "leveraged buy-outs." That is, the takeover person or company puts up very little of their own money but borrows it through the sale of bonds. So effective was this device in financing takeovers, that a virtually unknown man in cosmetics, Ronald Perelman, took over the huge Revlon company with the backing of Drexel.

There was huge wealth to be obtained by securities companies who handled the "junk" bonds. In 1986, Drexel was involved in \$4 trillion in transactions and had revenues of \$5 billion. Milken and other partners at Drexel received \$437.4 million in 1986, and estimates placed Milken's net worth at \$3 billion at the end of that year. The men of wealth who gathered at a junk bond conference and ensuing party sponsored by Drexel included some of the big names among American entrepreneurs: Henry Kravis, Boone Pickens, William Farley, Rupert Murdoch, Peter Grace, Sir James Goldsmith, Robert Maxwell, Frank Lorenzo, Ted Turner, and dozens more. (See James B. Stewart, *Den of Thieves* [New York: Simon & Schuster, 1991], pp. 221-22)

There have been attempts to justify these shenanigans as benefits to stockholders, or at least to the little fellow who held a few hundred shares. According to this view, when tender offers were made, he could dispose of his shares at a handsome profit. That argument has all the cogency of arguing the benefits of a lottery to the few winners. Something malign and gross was surely going on here on a huge scale. Once respected great corporations were being tossed around like toys in the hands of bullies. They were being shuffled, so to speak, and handed around like cards in a deck. Greedy seekers of wealth were playing exceedingly dangerous games with the property, the lives, and the jobs of millions of people.

The dust has not sufficiently settled, nor have all the connections been fully traced and laid out, to assess all the damage that was done by these maneuverings, manipulations, and plunderings of corporate America. But enough has come out to draw at least some more or less tentative conclusions. One residue was the debts assumed by purchasing companies. As one writer wrote: "The enormous debt taken by the new companies often left them too weakened to find new technologies or compete in the contracting market. Thus, the 1990s saw a rash of bankruptcies and corporate restructuring and downsizing to meet new realities. In the wake, hundreds of thousands of workers lost their jobs, lenders were unpaid, retirees were left without pensions, and unwary stockholders lost their investments. In many cases, the scandals spawned by the go-go years of the 1980s required the taxpayers to pay for the damage, as in the savings and loan debacle." Many banks and other financial institutions were hit by the junk bond failures of the late 1980s.

The chickens were coming home to roost for many companies in 1990-91. The number of business failures rose drastically in 1990. At the bottom of the causes of many of these was huge indebtedness with accompanying high interest—the mark of the junk bond beast. The ratio of interest to corporate earnings more than doubled between 1970 and 1990. Among the high profile businesses to falter and fail in 1990 were Eastern Airlines, which had come into the hands of Frank Lorenzo, a high roller of these years; Continental Airlines went into bankruptcy; and Pan American was busily selling off its routes. The next year, 1991, was, if anything, worse than 1990. *The Americana Annual* described the situation this way: "It was a year of stress, disappointments, and change...—a year in which companies large and small were compelled to face long delayed decisions. Downsizing and restructuring—marked by mass layoffs, plant closings, write-offs and refinancings—were frequent. Many industries or segments of them, including banking, insurance, airlines, automobiles, real estate, retailing, housing construction, and the media, were in serious condition."

Many of these difficulties were part of the aftermath of the junk bond and other high flying finance schemes of the 1980s. Not only could a part of the savings and loan debacle be linked to it, but also banks and insurance companies were caught in the financial squeeze.



Donald Trump (1940.-)

Trump emerged in the 1970s and early 1980s as a major real estate developer in New York City. His greatest triumph was the Trump Tower, but among other only slightly lesser triumphs were the Grand Hyatt, and the Trump Plaza. Donald came from a real estating family, but he stood out from the rest of them by grandness of his projects, his ability to use government to carry out his projects, and how deeply into debt he was willing to go. His best selling book, The Art of the Deal, is mainly a boastful account of how he maneuvered politicians to do favors for him. Donald Trump was born in Queens, a borough in New York City, graduated from the Wharton School of the University of Pennsylvania, and went into the family real estate business. His success in increasing the family holdings preceded the large building projects on his own. In the 1980s, he added three casinos in Atlantic City to his many other holdings. He had accumulated a huge debt in the course of his many acquisitions, and by 1990, he was having great difficulty in making payments due on junk bonds and bank loans. He avoided bankruptcy in 1991 by selling off a portion of his properties.

Rhode Island shut down many of its banks and credit unions in January of 1991. The Bank of New England failed in the same year, and several large insurance firms were hard hit by the fall of junk bond prices and the subsequent devaluation of real estate. Donald Trump, one of the richest of the new rich in the 1980s, had many of his assets divided among his creditors. William Farley, head of Fruit-of-the-Loom, tried to take over textile giant West Point-Pepperell, but his effort ended in bankruptcy.

Some of the takeovers sort of "took," and some of the operators got out with their easily acquired wealth. The securities dealers in easy money fared less well generally. Most of the top ones were eventually arrested, plea bargained or were tried, and convicted. Manhattan U. S. Attorney, Rudolph Giuliani, took the lead in prosecuting these men and was subsequently elected Republican mayor



Rudolph Giuliani (1944-)

Giuliani is the Republican mayor of New York City. He first came to national attention as the U. S. Attorney for the Southern District of New York by going after the Mafia for violations of Federal racketeering laws. On the heels of that, he became even better known for the persistent prosecution of some of those involved in the "junk bond" scandals, notably Ivan Boesky and Dennis Levine. Giuliani was born in Brooklyn, attended Manhattan College, and graduated magna cum laude from New York University law school. Starting out as a law clerk, Giuliani went on to become a prosecuting attorney in New York City. From first to last, he showed a penchant for high profile cases.

of New York. Ivan Boesky plea bargained, agreed to help the government with its investigation, paid a \$100 million fine and was sentenced to three years in prison. Drexel Burnham Lambert, the major securities company most deeply involved, was fined \$650 million, was required to drop the Milken brothers, and shortly afterward failed. Dennis Levine was sentenced to three years in prison and fines and penalties of \$11.6 million. Michael Milken, the biggest fish of them all, was sentenced to 10 years in prison and a fine of \$600 million. Generally, the charges were fraud and/or insider trading.

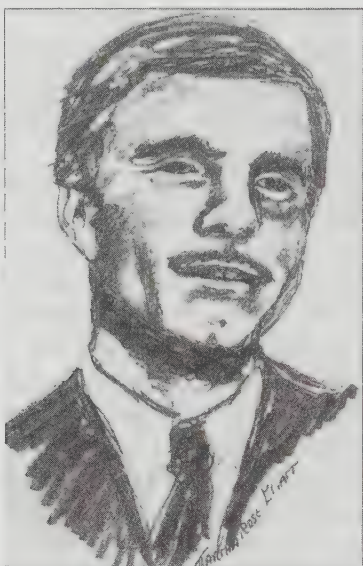
The most direct villain of this piece is human greed, of course. The example of monetizing debt was provided by the United States government with its Federal Reserve maneuvers, and banking in general with its fractional reserve practices. The limited liability corporation with its inherent irresponsibility provided the opportunity. The vast concentration of wealth in financial institutions—banks, insurance companies, pension funds, savings and loans—and easy money government policies provided the means. Some have blamed Ronald Reagan for allowing it with his pro-business policies and the promotion of deregulation. It is true that Republicans in general and conservatives in particular are not inclined to be alarmed about the irresponsibility entailed in the limited liability corporation,

nor great concentrations of wealth, but it is not clear that lack of regulation was at fault. In any case, it was Democrats who took the lead in getting the government's guarantee on depositor insurance raised to \$100,000. That was the most direct source of greater concentration of wealth. In any case, there are indeed institutional problems which set the stage for this debacle of human greed.

3. Trends in Business and Work

International trade by and with the United States and foreign countries has grown immensely in recent years. In 1950, the United States exported goods at a value of a little less than \$10 billion; in 1960, over \$19.6 billion; in 1970, over \$42.6 billion. But the really huge growth came in the late 1970s, the 1980s, and early 1990s. In 1980, exports had risen to over \$344.4 billion; 1985, over \$382.7 billion; in 1990, over 697.4 billion; in 1994, to over \$838.8 billion. Imports have kept pace generally with exports, and in recent years have exceeded them. The rise in prices accounts for some of this monetary increase, but less than a tenfold increase; whereas, the increase has been more than eightyfold. In sum, international transactions have become an increasing proportion of American trade and commerce.

The spread of multi-national companies—companies that have divisions in two or more countries—mirrors to some extent the growth of international trade. Of course, Americans know and buy products of many foreign countries. We are aware of foreign produced cars especially, such as Toyota, Nissan, Honda, Hyundai, Volkswagen, BMW, Mercedes, and a whole raft of others. Some of these are produced in the United States by foreign owned installations for the American trade. American automobile manufacturers have factories in foreign lands as well. Indeed, parts may be produced in several countries and assembled in yet another. Thus, those who think they are buying American when they buy an automobile with an American company's name on it are too often wrong to worry about it. Textile goods found in American stores may be manufactured in China, in Korea, in Mexico, in islands of the Pacific, the Caribbean, in Latin America, or elsewhere in the world.



Ted Turner (1938-)

Turner is an entrepreneur, sportsman, and television mogul based in Atlanta, Georgia. He was born in Cincinnati, graduated from Brown University in the classics, and rebuilt his father's ailing billboard advertising business. His entrepreneurial skills run to grandiose projects which turn into profitable enterprises. Nothing succeeded more handsomely than the small Atlanta television station which he bought in 1970 and was soon busily turning into a "super station," TBS, which beamed its programs across the United States and beyond by way of satellite and cable. Turner went on to originate several cable networks and to ownership of two professional sports teams in Atlanta.

The growth of American assets owned in foreign countries by multi-national companies gives some idea of what is taking place. In 1982, such U. S. companies had \$2.7 trillion assets abroad; in 1985, over \$3.4 trillion; in 1990, over \$4.95 trillion; and in 1993, slightly over \$6 trillion. Sales have not increased nearly so much, and the number of employees has declined while the amounts of assets were rising. That would indicate that much more capital investment has been used to increase productivity of workers, whose numbers were decreasing.

Among new or expanded businesses over the past decade, interstate banking has produced many much larger banks. Until recent years, banks operated only in the state of their home office. Interstate banking was not permitted. Then, in the 1980s, states began to relax their rules on branch banking and allowed the ownership of banks under one corporation. The result has been both a growth of statewide chains of banks and of interstate chains under one name as well. Banks that have grown in this way can usually make much larger loans than before. It is also the case that they can more readily be imperiled by large loans.

Cable television grew up in the 1960s and 1970s. At first, however, it mostly carried nearby stations and improved the reception of local programs and network television—NBC, ABC, and CBS. It was well into the 1970s before cable channels began initiat-

ing their own programs. TBS (Turner Broadcasting System) began its service in 1976, The Family Channel in 1977, ESPN in 1979. Cable television came into its own in the 1980s: CNN appeared in 1980, Black Entertainment Television in 1980, MTV in 1981, USA Network in 1980, MTM Music television in 1981, The Weather Channel in 1982, AMC in 1984, TNT in 1988, and so on. Satellite dishes became commonplace in the 1980s. The number of cable subscribers had reached over 64 million in 1995.

Another technological innovation which came into its own on the market in the 1980s was home videos. Video tapes of movies, instructional tapes, exploration, and other subjects, could be purchased outright or rented. Video rentals became a business, chains of stores devoted to rental and sales were formed, and many variety stores also offered videos for rent.

The merchandising of goods became bigger business than ever in the latter part of the 20th century. Discount houses, chain department stores, outlet stores, plazas and malls competed vigorously with one another to provide consumer goods. Discount department stores serving as anchor stores in shopping plazas, stores such as K-Mart, Wolco, TG&Y, and the like, had their peak in the 1960s and 1970s. The plazas, and especially their anchor stores, were losing ground rapidly in the later 1970s to the much more upgrade and exciting enclosed shopping malls. They continued to be built in the 1980s, but before the end of the decade their era of expansion was about over, but they continued to be the major merchandising device in cities and larger towns.

Two discount department stores survived the mall era into the 1990s: K-Mart did so barely, and Wal-Mart did so fabulously. Indeed, Samuel M. Walton has to go down as a merchandising genius. Some of his ideas were not new, but his application of the whole package of them was unique. Walton opened his first store-Wal-Mart Discount City-in Bentonville, Arkansas in 1962. One thing he did was different-he went into small towns that other discount department stores had bypassed or ignored. Other than that, he stocked as many goods as his store would hold, sold them at lower prices than local merchants could, and had a generous return policy. He did not stay in small towns or just in the South of course; he went into cities of all sizes and spread throughout most of the country.



Sam Walton (1918-1992)

Walton was the founder and developer of the Wal-Mart chain of discount stores. He became the largest retailer and the wealthiest man in the United States. Born in Kingfisher, Oklahoma, he graduated from the University of Missouri, and became a salesman for a J. C. Penney store. In collaboration with a younger brother he developed a small chain of franchised Ben Franklin stores. But it was not long before he convinced himself that there were larger opportunities in the department store field. In the grip of this idea, he left Ben Franklin and started his first store in Bentonville, Arkansas. The rest, as they say, is history, for the idea proved fantastically successful. Wal-Mart was still expanding and growing when Mr. Sam died in 1992.

When he died in 1992 Wal-Mart had 425,000 employees, 1,804 Wal-Mart stores in 44 states, and 200 Sam's Clubs. In 1994, Wal-Mart led all department store by sales of over \$83.4 billion. K-Mart had only \$34.3 billion in the same year, was closing some of its stores, while Wal-Mart was adding more and building ever bigger stores.

Electronic computers had been around nearly 40 years in 1985. The first one had been built at the University of Pennsylvania, filled a large room, and had thousands of vacuum tubes. Yet it could only have performed with the facility of an inexpensive 1995 pocket computer. In the last decade, however, the computer has become ubiquitous: in our automobiles, our appliances, banks, stores, electric companies, libraries, classrooms, offices, factories, warehouses, police stations, and just about everywhere else. It has made much more information readily accessible, and it can direct work with precision that is beyond manual capacity. Whether it will continue for long to expand at recent rates is a question that cannot be answered at present. One thing is clear, however, or should be: computers have only quite limited means for satisfying human needs and wants. Although it may assist in producing some of them, the computer is not food, shelter, clothing, air, water, nor transportation, not very amusing, not spiritually uplifting, nor capable of serious discourse. It is a limited device.

a. Work

The character and content of much work has changed in recent decades. The uses of the computer has contributed to some of the changes, but so have other technological developments. A goodly amount of human work is now standby and supplementary to computer directed automated work. How automation reduced the work of and virtually replaced telephone operators is a case in point. The first telephones the present writer saw were wall mounted with little bells on them. The bells could be activated by turning a little handle. Ringing the bell would summon an operator who would place your call by inserting the exposed end of an insulated wire, a jack, into an opening in her terminal box exchange. Then by ringing her bell the correct number of times she might be able to connect you with your party. Dial telephones and automated exchanges became common in the late 1940s in the United States, but operators still had to place long distance calls. When area codes were assigned in the 1960s, telephones throughout the United States could be reached by dialing them. Operators still had to be used to place collect calls. Most of that can be done now by dialing the appropriate number, though in some cases the operator must still be used. Operators still perform some residual services, but they rarely need to be contacted.

Automation directed by computers has replaced much of the manual work in many factories. Even so, workers are still employed albeit in much smaller numbers than before, to monitor the machines when they are running. Undoubtedly, such work is unchallenging and often boring. Routine work can be relaxing when the usual work is done under some kind of pressure, but even routine work to be satisfying must involve performing some sort of tasks.

Most of the heavy work with which people have struggled through the years has been lightened or is now performed entirely by machines. The manual washing of clothes, usually performed by women, was often strenuous and heavy work. Cleaning the clothes entailed strenuously rubbing the parts of the clothes against one another or using a rub board, or something like it. Wringing the water out of the clothes to make them dry more quickly was heavy work. That is done nowadays with washing machines.

Hundreds of jobs which men once performed by hand are now often performed if at all with machines or other heavy equipment. A simple example comes to mind from memory, and it involves some of the work which still goes on. When electricity was first brought to the neighborhood the present author lived in the 1930s, he watched the poles being put up and the wires strung on the cross-beams at the top. Some of the men wore great boots with spikes sticking out from the side of the boots nearest to one another. They climbed the poles by hitting them hard with their boots and driving the spikes into them so as to hold them in place each time they made a step upward. This was undoubtedly hard, dangerous work, and few women would have applied for the job of lineman in those days. Now, linemen are lifted up to the crosspieces on which the electric lines are located in buckets lifted with cranes mounted on their trucks.

So it has gone with job after job that once involved heavy or strenuous labor. Tilling soil once involved much manual labor, ploughing with a plough-stock pulled by a steer, horse, or mule, weeding with hoes, gathering the crops by hand, and the like. Now people ride in air conditioned tractors to till, plant, and weed with herbicides. Harvesters, either self-propelled or pulled by tractors, harvest most crops. Lumbering, which once involved such arduous tasks as cutting down trees with axes, sawing them into lengths with crosscut saws, pushing them up poles by hand to load them on a truck, and loading the lumber by hand on trucks or in rail cars to haul it to its ultimate destination. Most of these operations are now performed with a minimum of human exertion.

There are still jobs that require considerable physical exertion. Most home delivery jobs that deal in large boxes, furniture, large appliances, furnaces, heat pumps, air conditioners, and the like, involve heavy lifting and carrying some distance by hand or such devices as hand trucks. Installations of one sort or another involve more or less hard work. Carpentry is still done by hand or with hand held devices. Laying brick does not took so strenuous, but laying concrete blocks is man sized work. By and large though, hard and heavy work has been greatly reduced, where it has not been virtually eliminated by the use of machines. Much work is no longer toiling and spinning.

b. Self-Employment

We come abreast of two trends here. The long term trend in the 20th century is for more and more of the working population to work as employees of some company, corporation, bureau, school system, or for some public or private individual employer. The norm has become that those who work do so for a salary or wages. (There is a large category of people who work but do not ordinarily receive a salary or wages—they are usually called housewives. Since they are not usually paid some fixed amount for their work, they need no further discussion here, but the exception needed to be and has been noted.) There is a counter trend in which a goodly number of people are considering and from time to time are entering. It is the category of the self-employed.

Self-employment is a term promulgated by the Internal Revenue Service. For that reason alone it might be considered suspect, and it probably is. It was apparently devised to levy a Social Security tax on those who have no employer other than themselves. Thus, their Social Security tax cannot be split between them and their employer; the self-employed have to pay it all themselves. What is suspect about the term is the doubt they are “employed” at all, since they are not employees of an employer who pays them. They work and receive compensation for it, but to say that they are employed is probably a misnomer.

However that should be, the term “self-employed” is used here to refer to those who work for compensation but do not have an employer, nor are they employees. In an earlier America, in 1800 say, nearly all compensated American workers were self-employed. They were not called that, of course. They were referred to as farmers (whether they owned their own land or not), lawyers, physicians, barbers, mechanics, cabinetmakers, carpenters, brick-masons, printers, millers (those who ground flour and meal), blacksmiths, teachers, chemists or pharmacists, tutors, bakers, butchers, candlestick makers, merchants, shoemakers, brokers, factors, glass blower, iron-monger, jeweler, bookbinder, confectioners, weavers, tailors, dress-makers, through all the specialized services and products that might have been available in a good sized town or city. What was left to do had to be done by employees in 1800. There were, of course, govern-

ment employees, not so many, at that, some elected officials, household servants (if not slaves or indentured servants), wage workers on farms, in mines, mills, and factories, teachers (when not “self-employed”) in common schools and colleges, clergymen, sailors, and perhaps touring theater company personnel. Probably, well over 90 per cent of those who worked for compensation were what now might be called self employed. Most were farmers, and of those that remained in the category, most would be known as tradesmen.

In the last two decades of the 19th century the urban population increased rapidly, and the rural and agricultural population began a gradual decline relative to it. From the late 1930s through the 1960s the number of farms declined until farmers were no longer a significant portion of the population, except in a few Midwestern and Plains states. In 1993, there were reckoned to be 119 million 306 thousand employed (that is, working for compensation) people in the United States. Slightly less than 3.5 million were in farming, forestry, and fishing. Probably (the statistics were not available) less than 2 million of these were self-employed. In sum, the number of self-employed farmers has now been dwarfed by the numbers employed by organizations such as governments, corporations, schools and colleges, privately owned partnerships and companies—that is, by all public and private employers.

Not all categories of self-employed have declined so much: in fact, many of them have increased, and new ones have emerged. Of course, there are very few, if any, shoemakers around any more. Blacksmiths have virtually disappeared, but there are still farriers who shoe horses. There are a great many physicians and surgeons in private practice, and there are also anesthetists, psychiatrists, psychologists, optometrists, ophthalmologists, private nurses, nurses who serve patients as P.A.’s (physician’s ‘assistants), dentists, orthodontists, oculists, opticians, physical therapists, x-ray technicians, and so on through all medical personnel who work for fees as a rule. Lawyers are still around, in fact, more abundant than ever, and many of them are self-employed. There are self-employed accountants, individuals who run flea markets, antique stores, and boutiques. Plumbers, electricians, carpenters, masons, drywall installers, plasterers, glaziers, movers, truckers, and painters may be and usually are self-employed. Makers of dental plates, bridges, and dental caps

are often self-employed. Babysitters, grass cutters, tutors, typesetters, proofreaders, typists, may all be self-employed. Mechanics, and virtually every sort of repair person, may be self-employed. Writers, speech-writers, columnists, and speakers may be self-employed.

Indeed, any work that may be done in the home or in an office or shop attached to or on the same land as the home that has a product or can be done for a fee can be self-employment. In fact, a great deal more could be produced in home workshops than is, and many more services could be provided in or operating from the home than are. The large factories (except as places of assembly of large vehicles and the like) are neither necessary nor inevitable any more. People were assembled in such buildings in the 19th century in order to have power to operate their machines. At first, the main power available to turn them was water power. The wheels which turned them had to be located at falls on a stream, which only occurred here and there, and workers had to be brought to these sites to produce their goods. The steam engines which replaced the water wheels had to be large to do heavy work, too, though they could be set up almost anywhere that their noise would be tolerated.

The exigencies which produced most of the large factories no longer exist. The rails on which most goods were then transported have been largely replaced by motor vehicle traffic. The roads on which this traffic moves go to almost every home in the country. Electricity powerful enough to turn most machines reaches nearly every home in the United States today. The miniaturizing of machines makes possible a great deal of manufacturing in homes and home workshops. Computers bid fair to make it possible for large numbers to perform their work in their homes on a fee basis or to produce goods for sale.

There are legal obstacles in the way of using homes and related shops as places for producing and selling goods. Zoning laws stand in the way in many areas. Child labor laws stand in the way of children performing at least part time work in a homelike setting. Laws can be changed, of course, but there is an inertia that makes it difficult to do that.

It may be that home schooling was only a beginning phase of the restoration of the family; home production may be the next phase.

Americans at Play

As indicated above, much of the work that is now performed does not entail a great deal of physical exertion. Usually, it is not heavy work. One result has been that many people do not stay in shape by the work they ordinarily perform. It should be further noted, too, that housework no longer requires nearly so much exertion as in earlier times. Much of the work of preparing the food has been done before it is purchased for home use in many cases. Electric stoves with timers do much of the cooking unwatched. Washers and dryers require only that the clothes be brought to them and put in and shifted from one machine to the other as needed. Vacuum cleaners make fairly quick work of cleaning floors and furniture.

In consequence, if people eat nearly as much as their ancestors did, they are apt to get overweight and flabby. Some people turn to play and sport to get or stay in shape. Golf is especially favored by men as they grow older. Playing it at all well is not only a highly disciplined skill but all the walking provides much good exercise. Hunting is also good walking exercise, but fishing is somewhat less so. People have turned increasingly to even more artificial ways than games to stay or get fit. They lift weights, walk, jog, run, ride bicycles, hike, and either go to fitness centers, work-out gyms, or buy their own work-out equipment. There are, of course, many more good resolutions made about doing things to keep in shape than there are satisfactory performances. Many people take up dieting to take off the weight, but that does not even remotely resemble play, so it is not appropriate for discussion here.

There is undoubtedly much play that goes on in America today. Small children run about and play at this and that as they have ever been inclined to do. After children go to school, they begin to learn organized games, if not before. They play at some of these with greater or lesser skill and interest over the school years. Softball, basketball, touch football, volleyball, soccer and other games are played to some extent and with little or much skill during the school years. When young people are grown and out of school there is usually much less interest in and opportunity to play organized

games. By the time they reach 30 or before, most people no longer play at strenuous games unless they are professionals.

Increasingly, most people watch well trained amateurs and professionals perform rather than participating in the activities themselves. Thus, what we will deal with mainly under the heading of play will be largely spectator sports and activities, with entertainment, amusements, diversions, and what some have called anesthetics, that is, to watch things that neither inform the mind, enliven the spirit, nor exercise the body.

1. The Business of Entertainment

Entertainment is big business today, in fact very big business. There is nothing especially new about entertainment being a business. Baseball was a business before this century began. The theater-or plays-was a business in the United States before the country existed. George Washington especially enjoyed plays performed by touring players when he was serving as first President of the United States. Movies were quite popular in the 1920s, and they increased greatly in popularity during the Depression. Radio brought commercial entertainment into the home for the first time in the 1920s, and it became a profitable business thereafter, not only for station owners but also for announcers, writers, actors, and others associated with the business. Entertainment has been a businesslike undertaking for hundreds or even thousands of years. It became a broader and more prosperous business in the years between World War I and the end of the War in Vietnam.

By the 1980s, entertainment was emerging as big, huge, massive business with a new order of wealth, income, popularity, and celebrity. Major professional team sports, such as baseball, football, basketball, and ice hockey were big business. Some of the sports that focus on individuals, such as golf and tennis, were becoming big business for those who played at the top professional level. Stock car racing became a major business with its huge stadiums for fans surrounding the race tracks, such as the ones at Talladega, Alabama and Charlotte, North Carolina. Movies had become big business in the 1930s, but they commanded large patronage in the 1980s and

1990s as well. Music, especially that produced for the young, became exceedingly big business from the 1970s onward.

What was going on in baseball was described by one writer this way. He says that in the 1980s baseball went from "mere 'big business' into a multi-billion dollar mass media industry. Victory was no longer its own reward. Exorbitant, long-term contracts, performance bonuses, endorsement fees, and TV revenues at every level became the spoils and, for many, the spoilers...." He illustrates with a description of the SkyDome which opened in Toronto in 1989 as the baseball home of the Blue Jays American League baseball team (composed overwhelmingly of players from the United States). It is the first stadium with a retractable roof, which can be made open to the skies until inclement weather prompts the retracting of the roof and making the whole into a domed stadium. The facility "also includes the world's largest TV screen, the world's longest bar, a 350 room hotel, a shopping mall, a health club, and other facilities." (Jeffrey Hacker, "Sports Overview," *Americana Annual*, 1990, pp. 472-73) Though not quite so sumptuous, other cities that have domed stadiums are Houston, New Orleans, Seattle, Minneapolis, Detroit, and Atlanta.

How much of a business, and a very large one at that, baseball had become was dramatically indicated by the season ending baseball strike in 1994. The playoff games were not played, the World Series was cancelled, the first time there had not been one since 1904, and the season was so truncated its statistics were less meaningful. The strike was about money above all. The owners said, in effect, that the players were becoming too expensive. Bud Selig, the acting baseball commissioner, said that about half of the teams were losing money. The owners wanted a salary cap for players and to tie players income to some extent to the owners' income from baseball. If everything else could be worked out, the owners promised to share some of the revenue of the better off teams with the less well off teams.

The players were absolutely opposed to a salary cap. They wanted no maximum amounts on what they could make, and they wanted to keep the free agency rules where they were. They wanted the union to negotiate about their common concerns and leave the individuals free to negotiate the best terms they could on their indi-

vidual contracts. In short, they wanted to have their cake and eat it too, a not uncommon human desire. The owners and players did not come to terms, when the time came to have baseball camps in late winter of 1995, and the owners announced that they would open the season with whatever players they could obtain. At that point, the union capitulated and agreed to play without a union contract and on such terms as they could get individually. The strike ended with other issues unsettled.

What happened in golf illustrates quite well the growth in income of professional players in the 1980s and 1990s. Golf winnings of tournament winners had grown steadily through the 1970s, but really began to take off in the 1980s. Lee Trevino had the highest winnings in 1970 with \$157,037; in 1975, Jack Nicklaus won \$323,149; in 1980, Tom Watson won \$530,808; in 1985, Curtis Strange won \$542,321. Two years later, in 1987, Curtis Strange won \$925,941, and the takeoff was well underway. In 1990, Greg Norman won \$1,165,477, and in 1994, Nick Price won \$1,499,577. While they trailed the men substantially, professional lady golfers had their winnings rise on the same pattern. Professional baseball players in the major leagues were averaging more than \$1 million per year. Some made less than that, of course, but at the top, the pay could be very high indeed. Star pitchers and hitters could command salaries of \$3—\$4—\$5 million or more. Even a pitcher who had a losing season, as Steve Avery of Atlanta Braves did in 1995, might get more than \$2 million for the next season.

Television has been a major factor in the rise in salary of professional sports persons and many entertainers in general. Not only does television pay big money to those who own the rights to stage entertainments and field teams, and the like, but also gives nationwide and celebrity status to many performers. Before television became ubiquitous and cable supplemented networks, sports and other forms of entertainment were almost entirely dependent upon ticket and refreshment sales for their income. Television greatly increased the income potential of major sports and helped to further nationalize much of entertainment. Newspapers, magazines, and radio could and did publicize and make celebrities of some stars, but television could bring the performances of these people into the



Chris Evert (1954)

Miss Evert helped to bring women's tennis to virtual equality with men's in fan appeal and compensation, if not level of play. Along with Jimmy Connors—whose championship tennis years paralleled hers—she signified the near dominance of American tennis in the world for nearly a decade. Their period of dominance coincided with the beginning of the practice of televising of the finals of such major tournaments as the French Open, Wimbledon, and the U. S. Open, which also greatly increased the popularity of tennis and the compensation of players. Their dominance was apparent as early as 1974, when Chris Evert won the Australian Open (one of the majors), Wimbledon, the French, and Italian, though lost in the finals of the U. S. Open. Jimmy Connors won the Australian, Wimbledon, and U. S. Open the same year. Chris won her last major tournament in 1986.

homes of viewers, so that they could see and judge performances themselves.

Not only have the teams and those who own them and stage their performances become exceedingly big businesses, courtesy of television especially, but also players and stars often become big businesses in their own right. They not only have their salaries, fees, or winnings from their performances but whatever they earn from companies for promoting their products, from selling items with their names on them which they may have caused to be produced for sale, payments for public appearances, interviews, speeches, and for lending their names to be used in various ways. Sometimes a sports or entertainment celebrity can earn much more from his sidelines, so to speak, than from pay for his regular jobs. The celebrity may be incorporated, have an agent, have an attorney, and various other persons in his employ.

Golf celebrities on the order of Jack Nicklaus or Tom Watson may have golf clubs named after them, golf balls sponsored by them, lines of clothes named for them, and, if they choose to branch out, may have a restaurant or chain named after them. Nicklaus has

designed several golf courses, for example. Golf and tennis are much more international than are baseball and football. Britishers from around the world—England, Scotland, Wales, Australia, South Africa, and Canada, among other places, often excel in golf. Other foreigners rarely rise to the peak in golf, except for the Japanese. Tennis is much more nearly an international sport. There are four major tournaments that are played annually: the Australian Open, the French Open, Wimbledon, and the U. S. Open. From these emerge the stars and celebrities of tennis.

Professional tennis first came to national popularity when the major tournaments (except the Australian Open) began to be televised nationally. Many Americans were caught up in the love affair of Jimmy Connors and Chris Evert, Americans who won major tournaments at the same locale sometimes. They both won at Wimbledon in 1974. Chris Evert then became the dominant figure in women's tennis until the mid-1980s, when she gave way to Martina Navratilova, a transplanted American. In men's tennis, Jimmy Connors vied with John McEnroe, who was also American. Boris Becker of Germany and Stefan Edberg of Sweden displaced the Americans. But Pete Sampras, Jim Courier, and Andre Agassi brought the Americans back in the 1990s. Women's tennis has been dominated by Europeans in recent years: Steffi Graf, a German, and Monica Seles from Yugoslavia, among others.

Tennis is big business on or near the top among the players in the world. Winners and runners up in major tournaments get checks for hundreds of thousands of dollars. There are many other tennis tournaments than the grand slam events, and celebrity players often play exhibitions from city to city. They can greatly increase their incomes with endorsements, sponsorships, lines of tennis equipment, sportswear, and so on. When they can no longer play competitive tennis at the top level, if they show a talent for it they can go into announcing, become tennis coaches, or become tennis pros at an assortment of establishments.

Other sports that have become big businesses are ice hockey, football, basketball, stock car racing, and boxing. The top performers in all these fields command multi-million dollar incomes and are usually a big business. It should be noted that while college sports are not businesses for performers, who are amateurs and are not

supposed to get incomes from their play, that is not the case for coaches and especially head coaches. Head coaches at major football colleges have been exceedingly well rewarded for their efforts in recent years. Television and bowl receipts have helped to make football nothing so much as a big business. And for coaches such as Bobby Bowden at Florida State, Joe Paterno at Penn State, Lou Holtz at Notre Dame, Tom Osborne of Nebraska, Gene Stallings of Alabama, and LaVell Edwards of Brigham Young, it is a big business for them personally as well. Not only are they usually exceedingly well remunerated by their university salaries but also for their radio and television programs, endorsements and related incomes.

Head coaches of major college basketball teams are apt to be well paid as well. "March madness" the NCAA national basketball tournament, is featured on CBS Television, and has brought new fame and fortune to major basketball programs. Among the outstanding basketball coaches of the past decade were: Nolan Richardson of Arkansas, Mike Krzyzewski of Duke, Bobby Knight of Indiana, Dean Smith of North Carolina, and Steve Fisher of Michigan.

Thus far, television has been skirted in the discussion of the business of entertainment. It is not just a supplementer of other entertainment but a major provider as well. Much of commercial television gets its revenues from advertisers. Cable television is further supplemented by subscribers. Television does backstop motion pictures, by showing such of them as can be made halfway presentable. But networks fill much of their time with material they have produced, or have agreed to have produced by others. These include the daytime dramas, commonly referred to as "soaps." These dramas fill much of the afternoon TV time and are aimed mainly at female viewers. They are usually on for five days each week, always consist of new material, and once started, if successful, go on and on. Three or four generations could have watched "As the World Turns" by now. Much the same goes for "All My Children" and "Days of Our Lives." On the other hand, "The Young and the Restless" and "The Bold and the Beautiful" are more recent additions. Rumor has it that some of the "Soap Operas" have become more sexually explicit in recent years, but this is unknown territory to the present author. The one soap star who has ventured out somewhat into the other acting world is Susan Lucci.

The "soap" motif has, however, had some noticeable influence on prime time programs over the last decade or so. The "soap" mode of operation was most clearly apparent in the prime time shows of "Dallas" and "Dynasty," and contemporary Fox shows "90210" and "Melrose Place." What these shows share or shared with "soaps" has been the shifting affairs of the characters and stories that go on from episode to episode.

The other main daytime shows have been the proliferating talk shows. Phil Donahue set the pace for years with his odd, strange, and curious characters, his focus on the perverse and the perverted, and for dredging up a continual round of misfits. He preyed for years on the civilized norms of society, tried to give Christianity a bad reputation, and became quite prosperous in so doing. He is not so rich as Oprah Winfrey, however, who may yet replace Queen Elizabeth II as the wealthiest woman in the world, and might easily do so if she could acquire the crown jewels. Among their imitators or takers off from are Geraldo, Montel Williams, and Ricky Lake.

The main point, however, is that television is generally deeply engaged in the business of entertainment. The quest is on continually for programs that will entertain, divert, amuse, and that will sometimes inform, edify, debase, and confuse. To these ends they present their news shows, special events—such as, O. J. Simpson leading the police on a lengthy chase along the freeways of Los Angeles—, situation comedies, detective shows, made for television movies, dramas of one sort or another, and sports programs. The bread and butter of the prime time early shows are the situation comedies, some of the more popular of which in recent years have been "Roseanne," "Murphy Brown," starring Candace Bergen, "Cheers," "Seinfeld," starring Jerry Seinfeld, "Grace Under Fire," starring Brett Butler, and "Coach." More serious shows, such as "Law and Order" appear on later prime time.

Movies have been big business for three quarters of a century at least, but they are in terms of receipts even bigger business than ever. In 1994, both Walt Disney's *Lion King* and *Forrest Gump* were moving at a pace to have receipts of \$300 million each in the United States, to say nothing of foreign markets. In 1993, Steven Spielberg's *Jurassic Park* had brought in \$800 million in revenues worldwide by November. Products inspired by the movie had also



Garth Brooks (1962-)

*Brooks is a country-western singer who appeals to a broad spectrum of tastes. He burst upon the world in 1989 with the release of his first album, named, not so appropriately, Garth Brooks, and has been the dominant personality in music in the 1990s. His album, *Ropin' the Wind*, released in 1990, moved straight to the top of the Billboard pop charts, a first for a country album. His popularity on the road is signalled by some of the quickest sell-out of arenas in which he is to appear ever experienced. He wins so many country music awards that competitors are usually left behind as he flashes by. Brooks was born in Tulsa, Oklahoma, graduated from Oklahoma State University in advertising, but was already on the way to becoming a singer even before his graduation. He set his sights on the big-time by going to Nashville, and then returning after he had been rebuffed. It took him four years to get into the business at the highest level, but when he did his career took off and has not slowed yet.*

brought in \$300 million around the world. In 1992, *Batman Returns* had receipts of \$162 million, *Lethal Weapon 3* brought in over \$143 million, and *Basic Instinct*, starring Michael Douglas and Sharon Stone, took in \$117 million. In 1991, Arnold Schwarzenegger's *Terminator 2* quickly topped \$200 million, and *The Silence of the Lambs* took in \$130 million.

Movies have other sources of income, of course, than from receipts in theaters or movie houses. They may contain music that can be sold as records. If they are very popular, and especially if they appeal to children, they may be the source of paraphernalia, as *Jurassic Park* was, which will bring little or much extra income. They may be sold and circulate as videos. They may be brought out of the archives years later and have profitable runs in the theaters again. Television is a market for any full length motion picture which is half way presentable.

Music is also big business, as it has often been, though to a lesser extent, in the past. Record sales are a major source of income for musicians. Concerts given on tours are probably the next largest

source of income for popular musicians. For example, the Rolling Stones were guaranteed more than \$65 million for a North American tour with 30 concerts in 1989. Of course, the Rolling Stones featuring celebrity stars Mick Jagger and Keith Richards were the most visible of all rock groups. Country singer album sales in 1992 show the huge numbers that could be sold. Garth Brooks, an exceedingly popular country singer, sold 3 million copies of his album *Garth Brooks*, 7 million of *No Fences*, and 8 million of *Ropin' the Wind*. Reba McEntire's *For My Broken Heart* sold over 2 million.

Rock and roll music was still going strong at the beginning of the decade under consideration. Indeed, it had been almost the exclusive music of those who grew up in the 1960s and for much of the 1970s. From The Beatles and Elvis Presley through the Grateful Dead and Bruce Springsteen it had dominated the music for the under 30 group, and many of those under 40. Perhaps not the hardest of rock, but rock music in general had merged with and become much of popular music. By 1990, most of the most popular music and singers were hardly distinguishable as doing rock and roll. With such singers as Garth Brooks, who dressed precisely like a country and western singer, the remains of rock had merged with indistinguishable country. Natalie Cole, the daughter of Nat King Cole, had a huge album hit, *Unforgettable*, in 1992. Her father sang ballads in a jazz motif, and this was a reprise of them. In the 1990s, jazz, country and western, and the remnants of rock and roll tended to blend into and become popular music.

The major exception was a new sound which began to catch on in the late 1980s. The sound was rap. Whether it should be called rap music or not is an interesting question. Rap is a rhythm, a repetitive rhythm that can be applied at will to any combination of words, utilizing whatever music is available. Blacks are its main practitioners, and when black youths listen to it and walk rap might more accurately be called a walk than music. The rhythm is catching, seductive, addictive, and habit forming. It gets in the mind and cannot easily be driven out. Rap had such stars as MC Hammer, Vanilla Ice, and Jazzy Jeff and Fresh Prince. Some rap groups, such as 2 Live Crew, became infamous for their vulgar language.

One other subject needs to be covered under the general category of the business of entertainment—gambling. It might have

been noted by some readers that animal racing was not covered under sports. The reason is that horse and harness racing (and dog racing) is carried on as part of a gambling enterprise. Of course, gambling is done on all sorts of things, including professional and amateur sports. Sports sections in newspapers usually carry odds on upcoming contests in football, baseball, and basketball, among others. But those who stage these contests rigorously exclude gambling and known gamblers from their operations. The case of Pete Rose is an example of how far professional sports will sometimes go to steer their personnel clear of gambling. In 1989, Pete Rose was manager of the Cincinnati Reds baseball team, from which he had retired as the leader in number of hits in the history of baseball. Baseball Commissioner Bartlett Giamatti charged Rose with gambling and alleged that he had bet on baseball. Rose was banned from baseball, was convicted in Federal court for tax evasion, was imprisoned, and there is resistance to ever considering him for inclusion in the Baseball Hall of Fame.

By contrast, horse and harness racing exist in conjunction with the public offering of betting on the races. The money won in a year by top jockeys gives some indication of how big an enterprise horse racing is, and how much more prosperous it has become over the years. Willie Shoemaker, the top jockey in 1964, won over \$2.6 million. In 1974, Laffit Pincay, Jr. won over \$4.2 million; in 1980 Chris McCarron won over \$7.6 million. In 1984, McCarron won over \$12 million. In 1989, Jose Santos won over \$13.8 million, while in 1994, Mike Smith won nearly \$16 million. Female jockeys became commonplace in the 1980s, but none has risen to be a top winner yet.

Harness racing—a form of racing in which a harnessed horse pulls a driver in a two-wheeled conveyance called a sulky—is not nearly so well known nationally as horse racing, but it is attended, followed, and bet on in some parts of the country. The money winnings of top drivers indicate something of how it has grown over the years. In 1975, Carmine Abbatiello won over \$2.7 million; in 1980, John Campbell won over \$3.7 million; in 1985, Bill O'Donnell won over \$10.2 million; and in 1990, John Campbell won over \$11.6 million.

Casino gambling has been legalized in several states and spread rapidly in recent years. It has long been established in Nevada, became big business in the 1970s and 1980s in Atlantic City, New Jersey. It began to make inroads along large rivers and in coastal harbors in the 1980s. From those beginnings, casinos have begun to be built on shore and in the cities of several states. Indian tribes in a goodly number of states have taken up the cudgels for gambling. Sometimes, they can arrange to open casinos, say, in states where gambling is not otherwise permitted by claiming sovereign authority over their lands. Federal courts sometimes give them favorable rulings.

Gambling is big business for owners of casinos and other gambling establishments. The "house always wins" is an adage of long standing, and if any consistent exceptions occur, the "cheater" is thrown out and denied future admission.

It is worth noting, too, that as soon as one form of privately licensed gambling is permitted, agitation for other forms becomes more persistent. If riverboat gambling is allowed, the clamor begins for land based casinos. If dog racing is allowed, then horse racing becomes the new gambling cause. If a state permits lotteries of which it holds a monopoly, it is caught in a contradiction, though that rarely troubles politicians. The contradiction is that if gambling is prohibited because it is immoral, what keeps it from being immoral as a state monopoly? The claim that it is redeemed by sharing some of its proceeds with "education" has no discernible moral content. It is the old discredited argument that the end justifies the means. In any case, once the principle of the immorality of gambling is abridged, effective opposition is undercut.

Gamblers often bet on sports events, but gambling itself is not reckoned to be a sport. Gambling may sometimes divert, it may amuse and entertain, at least for brief periods. But gambling is basically compulsive and addictive. There are people who say they go to casinos to be diverted, that they take with them only a small sum, and when they have lost that, they quit. They may follow similar practices at other gambling places. It is doubtful, however, that gambling would be big business if that prevailed in most cases. Gambling as big business depends on gamblers who will lose large amounts—above all, on the compulsive and addicted.

2. The Vulgarizing of Entertainment

What has been described and documented thus far in the section on Americans at Play is that Americans spend a lot of time and money and give a lot of their attention as spectators of performances that entertain, amuse, divert or otherwise attract them. Given the fact that most people only work about 8 hours per day at their places of employment and little more than 40 hours per week, it is possible that some spend as much time being diverted as they do working. Let it be granted that everyone will do at least some things that are neither work nor play in the above senses, and some will do a considerable number of others. Everyone, presumably, will eat, attend to personal needs, do some cleaning, dress, and go shopping at least occasionally. In addition, many will read, study, go to church, pray, participate in devotionals, exercise, walk the pet, garden, mow the lawn, water the plants, visit friends and relatives, attend public functions, go to the post office, answer mail, place orders, balance their check books, and, since gambling is not a spectator activity, we might gamble. Even so, the point still stands that a large amount of time and money are spent at spectator diversions.

The intellectual and spiritual qualities of most of these diversions has not been discussed. Some of them are relatively innocent or innocuous, if we set aside the (probably unanswerable) question of how much time should be spent as idle spectators. Watching baseball seems to be harmless enough, so long as the spectator does not take up tobacco chewing or spitting in public every 30 seconds. Some are anesthetizing, and others induce sleep; baseball might well qualify for this also. Indeed, most sports fall in the category of being not actively harmful for spectators, though some may be so dangerous (stock car racing, for example) or violent (boxing and football) that it is doubtful whether one should encourage the sport by his presence.

A great deal more needs to be said, however, about the offensiveness of some of the music, many of the movies, and much that goes on in television. There has been a coarsening of behavior and language in general over the past generation or so. This is both reflected in much of popular entertainment and caused or reinforced



Madonna (Madonna Louise Veronica Ciccone) (1958-)

Madonna came to the fore in the 1980s as a flamboyant persona largely of her own creation. By turns, she has been a singer, actress, music-video performer, and X-rated sexual gymnast. Her music began to catch on in 1984, dominated in 1985, and she continued to have hits for several years. She starred in the movie, Desperately Seeking Susan in 1985, and played in the hit, Dick Tracy, in 1990. Madonna was born in Bay City, Michigan to Italian-American parents, was brought up as a Catholic, attended a parochial school, but rebelled early on against this regimen. She went to the University of Michigan on a dance scholarship, but dropped out after two years. From there she went to New York City to try her hand (better still, her feet) at dancing. After further experience with singing and dancing in France, she launched her music career in the United States. Madonna was feminism gone ribald, and the ultimate symbol of uninhibited liberated woman.

by it. Graphic violence is commonplace in movies, and some of it has seeped over into television. Anyone cut, shot, or hit by explosives is shown to be bleeding profusely, and some directors apparently take great pleasure in depicting brains or other body parts splattered on walls. As many of the senses and as much revulsion as possible are evoked by graphic violence.

What passes for humor and comedy in many of the movies hardly resembles what has been known by those classifications before in Western Civilization. These alleged comedies more often than not move at a frenzied or frenetic pace. Bodily eruptions or noises are treated as if they are hilariously funny. The young are often depicted as continuously eating and drinking, and often by gross displays of food being chewed, spat out, or thrown up. Ceremony, gentility, and civility are usually conspicuous by their absence. Vulgarity is often the order of the day.

Indeed, both supposedly adult movies and those made clearly for the immature abound with profanity, obscenity, vulgarity, and

scatological language. If anything were held sacred in these productions, there would be sacrilege as well. Nudity, lewdness, simulated sex acts, and perversions are referred to or depicted. A generation brought up in the midst of all this explicitness may not find it offensive, but they are nonetheless being robbed of respect, sensibility, modesty, gentility, and subtlety. Many older people avoid most of the movies as if they were a plague, which in truth they are.

The music which many of the young for well over a generation now have listened to, sought, admired, and surrounded themselves with is, if anything, less genteel than the movies. The modes of rock and roll have penetrated and permeated almost all except the most staid music kept alive from an earlier age. Traces (or more) of it can be found in country and western, gospel (black and white), and whatever passes for popular music. The first thing to notice about rock and its imitators is that it is performed at the top of the lungs, so to speak, ear-splittingly loud by way of amplification. The second thing is that it is 80% beat—deep, jarring, jumping, jungle-like beats. Third, the beats are rhythmic. Fourth, everything about it is repetitive; it is repeated or played over and over again. It would probably be possible to write the lyrics of a rock and roll song that consisted of only one word. Rap songs probably do require several words to play off one another to establish a rap rhythm. These are the modes that have been widely adopted from rock and roll to greater or lesser extent.

Rock music, and rap, and some of the variations on them, sometimes have vulgar language as well. They are sometimes profane, obscene, scatological, and are often contemptuous and heap ridicule on the received traditions and pieties. Rock music was, of course, the music of the peaceniks, the war (Vietnam) protesters, the anti-military, and opposition to the received culture. Above all, it was the music of rebellion, music which separated the generations, and that flung down the gauntlet of resistance to the adult world. John Lennon was its prophet; Madonna was its sexual disciple; Elvis Presley was its personification; and Mick Jagger was its jaded symbol.

The film and musical culture, and a goodly amount of popular fiction, was and is a decadent culture. It has vulgarized American culture, and that of a goodly portion of the rest of the world as well.

A generation or more has been drawn into the web of its ear shattering sounds, of its persistent primitive beat, of its profanity, of its obscenity, of its rebellion, of its sexual depravity, of letting it all hang out, of self-centeredness, of instant gratification, and of perpetual rejection. Its heroes were rarely, if ever, worthy of emulation; none comes to mind. In fact, they were the embodiment of anti-heroism.

Many of the young who have supped at the table of rock and movie culture may deny both the above strictures and that their experience is of such effects. If so, they have stronger characters than we have any right to expect. Let us hope deadening effects were at least limited in their impact. There have been more than enough lives already ruined by this decadent culture.

Chapter 9

The Debasement of Learning

To debase would appear to mean to remove the base of something, in the same way that to dehorn is to remove the horn(s) of some animal, or to decapitate means to cut off or remove the head. But “debase” is formed from a tricky word— “base.” It can have radically different meanings depending on how it is used. One unabridged dictionary lists 24 different usages or meanings of the word; some are similar, some appear to be unrelated, and some are very nearly opposites. The two definitions that follow capture the usage here:

The bottom of anything, considered as its support, or the part of a thing on which it stands or rests, as the *base* of a column, the pedestal of a statue, the foundation of a house, *etc.*

To found; to lay the foundation of.

Literally, then, “to debase” means to remove the base or foundation of something. By extension, as a dictionary says, “debasement” also means “to cause deterioration or lowering in quality or character..., [to] corrupt, debauch, pervert....” The debasement of learning has entailed all these things.

It is widely understood that a house, if it is going to stand, must be built on a firm or solid foundation. Jesus spoke of a “wise man, which built his house upon a rock: And the rain descended, and the floods came, and the wind blew, and beat upon that house; and it fell not: for it was founded upon a rock.” Then he referred to a “foolish man, which built his house upon the sand: And the rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell: and great was the fall of it.” (Matthew 7:24-27) Jesus was referring to the great principles and rules he had revealed in the Sermon on the Mount as being a firm foundation on which to base

their lives and actions. Nonetheless, it is true that a house must be built on a firm foundation to stand. It is also the case that all important or great undertakings must be built upon a firm foundation to achieve their appointed ends. Learning, to be effective, must be based on a firm foundation of principles and grasp of reality. Learning in America once had such a foundation, but before taking that up it will be helpful to explain what learning is.

In the first place, to back into the answer, learning is *not* schooling. Learning may take place in a school, of course, but it does not do so necessarily. Schools certainly do not have a monopoly of learning. In any case, schools and learning are different sorts of beings when considered ontologically, that is, as beings. A school, as one dictionary says, is “an institution for the teaching of children.” It might more precisely be defined as a place where children are confined so that pedagogy (notions about what and how to teach) may be practiced on them. However that may be, learning consists of knowledge that is in the process of being or that has been acquired. Learning is something that a person necessarily does himself. By contrast, schooling may be and often is imposed on those confined in schools. Learning and schooling are different sorts of things.

Of schooling, there is an abundance in America, and more, if that is possible. There are hundreds of thousands of schools, dozens of times that many classrooms and teachers, millions upon millions of pupil attendees at these schools. Most children are required by law (compelled) to attend a public school or a satisfactory substitute for it during the ages of 5-7—16-18. The parents of the child are usually expected to carry out the sentence, or be subject themselves to the sanctions of the law. Hundreds of billions of dollars are spent annually to staff, build, equip, heat, cool, and light these schools and adjunct facilities. More and more money is asked for each year to spend on these schools, from state and local governments and whoever else provides them. In short, schooling is going on in the United States on a grand scale. There is widespread, if not universal, doubt, however, that learning is taking place on anything approaching so grand a scale, and some evidence will shortly be presented that it is not.

At any rate, it should be clear that schooling and learning are different things: perhaps, no one who considered them seriously ever

doubted that they were different. People do, however, regularly confuse schooling with education and education with learning. The way is somewhat roundabout, but they are in effect confusing learning with schooling when they do that. Education has become a weasel word. It not only attributes education to schooling, but also identifies education with pedagogy. Courses that teach about teaching in college are not labeled pedagogy, which is what they are, they are called “education” courses. In that sense, “education” is material or teaching about teaching. One who has been schooled through some level, has a bachelor’s degree, for example, is sometimes said to have an education. Again, there is the confusion of education with schooling. Those who wish to deal with learning or knowledge do well to avoid referring to them as education, and to keep the almost absolute distinction between schooling and learning in mind.

In any case, it is learning that has been debased in this century. The foundation from under knowledge has been removed as well. That is not to say that people cannot learn and know, as they always have and could. It is rather that establishing learning and knowledge is an uphill job except in the most precise and rigorous sciences. Even there, the deeper foundations have been removed, but only those with grounding in philosophy are aware of it. Be that as it may, learning consists of what can reasonably be concluded from observation, deduction, intuition, reflection, insight, and revelation about God and man, this world, the nature and state of being of things upon it. Knowledge consists of that which is known with reasonable certainty, although there are apt to be errors and admixtures of fads and foibles in what we suppose that we know.

That there are truths to be learned and knowledge to be gained is based upon certain foundations, premises, and principles. They are quite similar to the founding principles upon which the United States was founded, but most of them are much more ancient than that, and the belief in and knowledge of some of them long antedated Christianity. The most solid and enduring foundation rests upon a belief in God—in God the Creator, the Knower, the primal Authority, and Law Giver. Further, man is a creature of God, that he was created in the image of God—is a reflection of God, so to speak—is capable of reason, is a moral being, has the ability and responsibility of making choices.

It is essential to man's learning and accumulation of knowledge that God know the truth. It may be objected that even if it be granted that God knows the truth it does not follow that man knows it. That may indeed be the case, but it is a dead end that leads nowhere. The point is this: to affirm that God knows the truth affirms the position that there is truth, that things happened in a certain way, that this is true and that is false. It validates the quest for truth. It provides the grounds for the view that we can use the faculties which God has given us, reason, for example, to attain truth, to gain knowledge. God knows and cares, and so may we.

God is the source of all earthly authority. That which is not founded in revelations of Him or in his laws has no standing as authority. The authority of parents over their children is found in the commandment to "Honor thy father and mother," as well as elsewhere. The authority of governments is found both in Scripture and in natural law. Ordination services usually confer authority on officials and implicitly or explicitly trace it from God. Traditionally, high officials of the United States, including the President, take their oaths of office with the hand on the Bible, acknowledging God as the source of authority by which they rule. Total or absolute authority is not granted to earthly rulers; that remains with God, who is love.

It is not redundant, then, to say that God is the law giver. He is the giver of moral law, which is revealed in Scripture. He is giver of the natural law as well, which is found in the nature of things. Learning about earthly things comes through our senses and from the use of reason to discover the underlying nature and laws imbedded in the universe, so to speak. That God is the Creator gives the special authority of natural law.

These, then, are the bases of learning, though they are the bases of much else besides. The debasement of learning takes place as a consequence of denying, or ignoring, or displacing God's role in making learning and knowledge possible. Such denial and displacement has taken place in the course of American history. The first tentative step in that direction occurred in the middle of the 19th century. Massachusetts enacted a compulsory school attendance law in 1852. It provided that children between the ages of eight and fourteen must attend school twelve weeks each year. Congress

passed similar legislation for the District of Columbia in 1864, and Vermont began to compel attendance in 1867. By 1900, 32 of the states had some kind of compulsory attendance law.

Of course, compulsory attendance was not a denial of the existence of God, but it did run contrary to the nature of how children best learn. There is an old aphorism which goes to this effect, "You can lead a horse to water, but you can't make him drink." Now that is literally true for horses, for even if you punished them to try to induce them to drink they would make no connection between the punishment and drinking. Children are not literally so obstinate as a rule. They can not only be forced to attend school but also forced to learn some things after they get there. But even trying to force yourself to learn something is unproductive. We only learn well and relatively easily when we want to or have some compelling need to learn. In large, what is compelled by compulsion is schooling, not learning. Compulsion tends to make learning a "bad" rather than a good, which certainly gets the effort off on the wrong foot.

Compulsory attendance laws intrude also on parental authority over their children. Americans generally could see that, and many of them resisted or evaded the law. But the reformers zealously pursued their determination to make attendance compulsory. (After all, the Germans had it, and as reformers knew, the Germans were at the forefront of progress in those days.)

The next step in debasing learning was still somewhat indirect, at least in the early years. Taking this step was the work of the Progressive Education movement. It got underway in earnest in the first years of the 20th century. John Dewey joined the faculty of Columbia University in 1904, and from that vantage point he emerged as the leader of the drive to get progressive education in the schools. The progressive education movement was indirect in its debasement of learning in that it did not make its assault directly on the belief in God and the positions which are premises that follow from that. Instead, it attacked traditional learning, the subjects that were taught, the methods used in teaching them, the authority of the teacher, and so on. Progressives did not believe there was any body of knowledge that had been accumulated and that should be passed on to the young. There was no enduring reality on which such learning could be based.

In his assault on traditional education, Dewey carried on a running assault on all claims to any established body of knowledge—which it pleased him to refer to as the belief in absolutes. He was a relativist, as were Progressives generally, and opposed all claims to truth, that there were any fixities in the universe, that there was any body of knowledge worth learning. William H. Kilpatrick, a disciple of Dewey's at Teacher's College, Columbia, attacked the motives of those who claim that there are truths, saying: "When people have interests they wish to hold undisturbed, they fall naturally into this older Platonic logic and, as if they had some private access to absolute truth which establishes beyond question the positions they wish to uphold, call all new ideas...*subvertive*...." (William H. Kilpatrick, ed., *The Teacher and Society* [New York: D. Appleton-Century, 1937], p. 37) Boyd Henry Bode, another progressive, affirmed his relativism as a system of cultivating "intelligence rather than submission to authority. Such a system recognizes no absolute or final truths, since these always represent authority in one way or another, and since they impose arbitrary limits on social progress and the continuous enrichment of experience." (Joe Park, ed., *Selected Readings in the Philosophy of Education* [New York: Macmillan, 1963], p. 153)

If there is no truth, it is appropriate to inquire what education is about. Why should children be sent to school? Why should there be a huge educational establishment? The Progressives never paused to answer these questions, if they were ever posed to them; instead, they pressed on toward their own goals. They had no intention of throwing out the education baby with the accumulated knowledge bath, of course. They wanted only to discard the traditional system and replace it with a quite different one. The traditional schools were charged with being aristocratic, with perpetuating inequalities, and being unsuited to the needs of children. They claimed that the traditional subjects were useless. Drilling in facts was deplored, along with the emphasis upon content itself. The teacher who exercised authority was castigated as an autocrat. In short, Progressives sought to undermine the authority of the teacher, discredit the courses of study, deplore the imparting of information, and assail disciplinary techniques.

In their stead, the Progressives proposed child centered education. Instead of formal classes, the students would constitute a social group, with the teacher as a sort of group leader. The authority which had once belonged to the teacher would subtly be turned over to the student group. Many methods were devised for moving in this direction: the discussion method in class in which each child "expresses" himself; the curving of grades, which places the "standard" in the class rather than with the teacher; social promotion, by which the student is kept with those of his same age regardless of achievement.

The schools were to be experiments with and training grounds for a new social system. The ultimate goal of the Progressives was to reconstruct society. They were social reformers—socialists in the generic sense—, bent on remaking man and society. They were utopians who would employ the schools to change the children and the children to change society at large. As George S. Counts, such a social reformer, said in the 1930s: "In the collectivist society now emerging the school should be regarded ... as an agency for the abolition of all artificial social distinctions and of organizing the energies of the nation for the promotion of the general welfare.... Throughout the school program the development of the social order rather than the egoistic impulses should be stressed; and the motive of personal [gain] should be subordinated to social ends." (Quoted in John H. Snow and Paul W. Shafer, *The Turning of the Tides* [New York: Long House, 1956], p. 29)

Teacher's College of Columbia was the center from which professors taught in this progressivism went out over the country to teach the message and the way. They taught it in normal schools, teacher's colleges, and departments of education in state universities. Progressives generally worked to move schools, teachers, and children as far from parental and local control as possible. They favored the consolidation of schools, state financing and control over schooling, and that placed in a state department of education. They frequently advanced their dubious ideas under the label of democracy. Learning did not, of course, entirely disappear from schools and colleges, but for much of the 20th century it has been under siege by the educationists, who sought to claim the territory formerly held by knowledge and learning for their own.

The debasement of learning required one final step to remove learning from its base. It required the removal of the acknowledgment of God, of references to Him in any sacred sense, and of religion from the public school, and, so far as could be, from public places. The Supreme Court obliged with most of what was required in the 1960s. In 1962-1963, in several cases, the Supreme Court held that prayers and Bible reading in the classrooms and under the authority of public schools is in violation of the First Amendment of the Constitution. Since then, the high court has proscribed prayers at athletic events, at graduation ceremonies, and in an assortment of public settings. Actually God was being progressively left out of prominence in public schooling for decades before these Supreme Court decisions. Textbooks generally were overwhelmingly secular in their emphases even before the court acted. Evolutionary claims, when accepted, had removed the necessity of God as Creator, and God was rarely cited as authority. Progressives proposed an earthly god—democracy—as the end and purpose of life.

That is not to deny the importance of the court decisions on prayer and Bible reading, however. So long as prayer continued, God and his ways, his power, and his authority would from time to time be referred to. Even the brief non-sectarian prayer of the New York Board of Regents covered much of the ground. It was worded this way: "Almighty God, we acknowledge our dependence on Thee, we beg thy blessings upon us, our parents, our teachers and our country." And, of course, Bible reading opens up a whole panorama of religious ideas and beliefs to public consideration. So long as such things were permitted in the public schools, the foundations of learning remained, however precariously, in place. Once they were proscribed, the debasement of learning had technically been completed for the public schools.

The actual debasement of learning did not, of course, occur in one fell swoop, not even in the public schools and colleges. But it has proceeded at an ever quickening pace ever since. From the 1960s down to the present there has been mounting evidence that learning has been debased. This evidence consists mainly in the consequences that might be expected from the debasement of learning. The most direct evidence would range from lack of interest in factual accuracy and contempt for learning and the truth.

Thomas Sowell cites a vivid case of disinterest in factual accuracy from a reporter's investigation of what students in a high school in Los Angeles had learned. This was part of a conversation with a boy who was characterized as the smartest boy in the graduating class. This was in reply to a question from the reporter as to what he had learned in a particular class. He replied:

I learned that in the Vietnam War, North and South Korea fought against each other, and then there was a truce at the 38th parallel, and that Eisenhower had something to do with it.

The reporter asked:

Would it bother you to know that the things you learned were wrong?

The answer was:

Not really. Because what we really learned from Miss Silver [the teacher] was that we were worth listening to, that we could express ourselves and that an adult would listen, even if we were wrong. That's why Miss Silver will always be our favorite teacher. She made us feel like we mattered, like we were important.

There are signs of unconcern with truth and factual accuracy all about us. For example, claims about the dangers of second hand smoke from tobacco smoking have been widely made and proclaimed. Statistics have even been submitted, though on what they could be based is not clear. The case about the dangers of smoking was made largely by comparing such things as the rates of lung cancer in smokers as contrasted with non-smokers. Evidence could also be collected for the incidence of cancer among heavy smokers as opposed to lighter smokers, and so on. But how can a control group be obtained composed of people who have not encountered second hand smoke? Does such a group exist? If not, how are the

statistics obtained? Indeed, how is the proof of the health danger from second hand smoke obtained? Those to whom the present writer has presented these questions were unconcerned. The attitude was, so what? They serve a good purpose by reducing the opportunities for smoking.

That may be, but are the claims valid? Or are those spreading these claims passing out false information? Are they or their informants telling lies? These are not little white lies, so called, that people tell on their own behalf-if they are lies. They are public falsifying about public issues. Much legislation has been passed on the basis of these claims. The rights and privileges of some people have been reduced on the basis of these claims. Campaigns have been mounted, and actions have been pressed. By what standards are public untruths—or uncertainties about which no determinative tests have been made—justified? There are no such standards, which brings us back to the consequences of the debasement of teaming. That opens the floodgates to every sort of abuse, malpractice, propaganda, prevarication, misuses of schooling, cheating, and waste.

Another consequence is the decline in accurate information and knowledge in possession of those who have been schooled. That has demonstrably happened for children who have taken standardized tests in recent years. One scholar has summarized the situation this way: "The general decline in educational performance that began in the 1960s encompassed elementary and secondary education, as well as education at the college level. The evidences of this decline include not only results on a variety of objective tests, but also first hand observations by teachers and professors, and dismaying experiences by employers who have found the end-product seriously lacking. The most widely known decline was in the scores on the Scholastic Aptitude Test (SAT). However, scores also declined on the rival American College Testing Program (ACT) examination, as well as the Iowa Test of Educational Development, and on a variety of local tests."

Many teachers and professors did their best to conceal what was going on, though that may not have been their only reason for doing so. As their performance on standardized tests declined, grades rose precipitately in high school and college. In the mid 1960s, high school teachers awarded twice as many C's as A's to their students.

As early as 1978, the A's exceeded the C's, and by 1990, 20% of entering college freshmen had A averages. College grades were on the same inflationary course. For example, at Dartmouth, the average grade awarded rose from C to B between 1958 and 1988. Many other colleges followed suit, though there were honorable exceptions. These rising grades reflect the declining standards of many faculty members, the pandering of instructors to students and administrations, and such "widespread practices as not recording failing grades on the student's records, allowing students to withdraw from class when a failing grade is impending, and ordinary cheating." (See Thomas Sowell, *Inside American Education* [New York: The Free Press, 1993], pp. 1-2)

The manner in which learning was debased led to both a breakdown in discipline in the schools and the undermining of authority. Two more or less simultaneous developments undermined authority. One was, of course, the exclusion of God and his authority from the schools. The other was the undermining of local and state authority by the Federal courts and to a lesser extent by Congress and the Presidents. Court intervention in the schools sundered responsibility from authority over the schools. The states and local government retained responsibility for operating the schools but had their authority for dealing with them greatly reduced.

In consequence, indiscipline and disorder became epidemic in many schools from the late 1960s onward. Some schools have to have police in the hallways to keep order. Not only is there disorder in some of the classes, but in many of them there is such an undertone and undertow of repressed energy, it is difficult to operate. Attacks upon teachers in the classroom have become more common over these years. Younger and younger children are committing violent crimes, including murder. Loud and aggressive music is often played by individuals in public. Playgrounds often resound with unrestrained noises coming from them.

The debasement of learning has resulted in not only the reduction of the quality of traditional courses but has also produced an outpouring of trivial and silly courses with no pretence to serious learning or discipline involved. Colleges and universities have been especially prolific in producing these. For example, at Middlebury College in Vermont students flocked to a

class that discussed the issues of "popular culture, eroticism, esthetics, voyeurism, and misogyny" as they are reflected in the films of Brigitte Bardot. There are, in fact, few interests to which higher education does not cater. Auburn University offered a course in Recreation Interpretive Services, which was described as "principles and techniques used to communicate natural, historical, and cultural features of outdoor recreation to park visitors...." At Kent State, students have been offered a smorgasbord of intellectual offerings, including "Camp Leadership," a course that covers "the role of the camper and counselor," and "Records Management," in which students "set up, explain, and maintain alphabetic, geographic, numerical, and subject filing systems." For the scholarly inclined, there is "Socio-Psychological Aspects of Clothing"; For the less rigorous minded, "Basic Roller Skating"; and for the adventurous, "Dance Roller Skating."

At the University of Illinois, students have been able to work toward their B.A. by taking "Pocket Billiards," or the "Anthropology of Play," which is described as "the study of play with emphasis on origin, diffusion, spontaneity, emergence, and diversity. The University of Massachusetts at Amherst has listed courses for credit in "Slimnastics" and "Ultimate Frisbee." (Charles J. Sykes, "How Colleges are Failing Our Students," *In the First Place* [Hillsdale, MI: Hillsdale College, 1992], pp. 48-49)

Schools at various levels have shifted from learning, from mastering bodies of knowledge, from gathering facts to assorted fads, dogmas, indoctrination, and brainwashing. Teachers and schools are busily seeing to it that students master all the "politically correct" ideas and notions. Brainwashing is supposed to be the end result when students are confronted with such fearful things as nuclear explosions and then encourage them to work toward a world

free of atomic bombs. Indoctrination and brainwashing are the very opposites of learning and gaining knowledge.

Professor Jeffrey Hart describes how Dartmouth College assaulted its freshman with mind altering material. "When freshmen arrived this year at Dartmouth..., they found a package hanging on each door entitled 'The Other Student Handbook.' The so-called handbook described a number of sexual acts in detail, many of them exotic. It came with a condom of the Lifestyles brand.... If this is too tame, the handbook offers descriptive details of various other erotic practices, and [the] consequences to be avoided." As Professor Hart comments, "The distribution of the handbook is one more way of separating freshmen from the customary norms and reticence with which they grew up. In other words, Dartmouth desires to drive a wedge between the freshmen and their parents." (Jeffrey Hart, "Dartmouth's Dangerous Sex Experiment," *The Washington Times*, November 6, 1995, p. 35)

Many other examples could be given of the strange things going on, especially in once great colleges and universities, such as Dartmouth, Princeton, Harvard, Stanford, Vanderbilt, and the like. These institutions, and others similar to them, were once great centers of learning, committed to preserving and passing on the great heritage of knowledge and ideas accumulated over the centuries and millennia. They are now centers of political correctness, proponents of multi-culturalism, in the forefront of denying freedom of speech, and intolerant of anything but their "correct" dogmas.

Unbeknownst to them, the debasement of learning has cut them adrift from their moorings. They go willy-nilly from fad to fad and from one delusion to another. The point is that knowledge and learning require a foundation. Ours was founded on the Creation, authority, and laws of God. In the absence of that base, people wander in a wilderness populated by strange creatures of their imagination.

Chapter 10

Political Gridlock III— Clinton's Tailspin

America spent too much time and money in the 1980s on the present and the past, and too little attention and money on the future.... I define future as investments in education, infrastructure, research and the environment.... We have to break out of the old categories and think about whether we are going to invest in the future.

—William Jefferson (“Bill”) Clinton

Chronology

1992—

November—Bill Clinton elected President

1993—

January—Clinton appoints his wife, Hillary, to head task force on health care reform

February 26—Terrorists bomb World Trade Center

February 28—Bureau of Alcohol, Firearms, and Tobacco lays siege to Branch Davidians at Waco, Texas

November—Senate approves NAFTA treaty

1994—

February—President Clinton lifts trade embargo on Vietnam

April—Aldrich Ames, CIA operative, pleads guilty to spying and selling information to Russia

May—Paula Corbin Jones filed sexual harassment suit against President Clinton

September—Congress abandons effort to pass the Clintons' health care reform proposal

November—Both the House and Senate get Republican majorities

1995—

April 7—House Republicans celebrate passage of most of

their Contract with America proposals

April 19—Bombs blow up Federal office building in Oklahoma City

June—President Clinton's nominee for Surgeon General rejected by Senate

July—Senate Whitewater hearings begin

October—O. J. Simpson found not guilty by jury

Clinton came to the White House vowing to break the gridlock which had plagued the government for the past decade. It looked as if he might have the opportunity. For the first time since Carter's presidency, the House, the Senate and the President were all of the same party—the Democratic Party. If gridlock were simply a result of partisan difference between branches of the government, it should have been over beginning in 1993. As noted earlier, the differences were more than partisan ones; they have philosophical and religious dimensions. At any rate, the Democrats had difficulties governing virtually from the beginning of the Clinton Administration.

A part of the difficulty was with Clinton's ineptness in making appointments and getting underway. A part of it was due to his tendency to placate the most radical groups in his party. A part of it was due to his shiftiness in his stances. But whatever the reasons, by the middle of 1994 it was clear that his administration was in a tailspin, which probably began the year before. His own party was swiftly losing confidence in him. He could no longer get major legislation through Congress. Such popularity as he had was waning swiftly. By the fall of 1994, most Democrats running for election did not want him to campaign in their districts, and the Republicans won clear majorities in both houses of Congress in November of 1994. He made a belly landing, so to speak, but began to take off again in 1995.

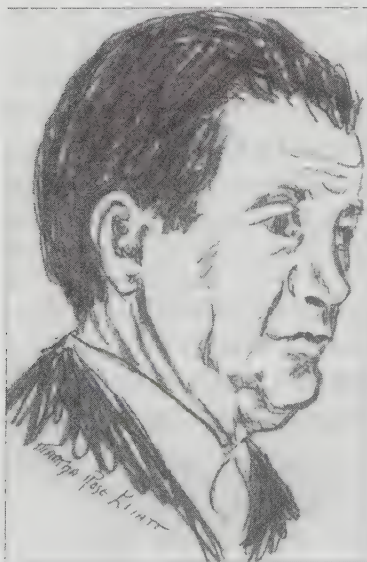
The Election of 1992

George Bush was renominated by the Republicans for President in 1992. The only opposition he confronted in the primaries was from Patrick Buchanan, a newspaper columnist and TV personality, with political experience in earlier Republican administrations.

Buchanan got over 30 per cent of the vote in several primaries, but did not for very long seriously threaten Bush's nomination.

Buchanan gave a fiery speech at the Republican convention at Houston in which he declared that there is a "war going on in our country for the soul of America." Bush, however, took a much less apocalyptic view of the situation by offering in his acceptance speech his "Agenda for American Renewal." It proposed cutting income taxes, reducing spending, and a little more aid to the Welfare State, though he did not characterize it that way.

The Democrats nominated William Jefferson Clinton, already known only as "Bill" as their candidate for President at their convention in New York City. Clinton had an assortment of candidates to contest his nomination in the primaries. The most serious contender was former Senator Paul Tsongas from Massachusetts, but he dropped out after losing in several primaries in mid-March. Jerry Brown of California tried to persist in the race but ceased to be a threat after April 7. Clinton was from Arkansas, and he chose as his running mate Senator Albert Gore, Jr. of Tennessee. Bill Clinton was governor of Arkansas from 1978-1980, with only two years out of



Patrick J. Buchanan (1938-)

Buchanan was twice unsuccessful in his bid to become the Republican candidate for President—once in 1992, and again in 1996. Even so, he has had considerable impact by giving aggressive conservatism a voice in the Republican Party. He is, by trade, a writer, newspaper columnist, and became a television controversialist. He has taken vigorous stands: against abortion, for America first, for immigration restriction, and for the Constitution as it is written. Buchanan was born in Washington, D.C., one of seven boys, was raised as a Catholic, attended Georgetown University, and the Columbia School of Journalism. His first regular employment was as an editorial writer on the St. Louis Globe Democrat. He worked in the Nixon campaign in 1968, and stayed on with Nixon after the election as a speech writer. He also worked for Reagan as his communications director. Buchanan has served as bellwether for the sorts of changes Republican conservatives seek to make.



H. Ross Perot (1930-)

Perot is best known for his presidential bid in 1992. He concluded early on in that presidential election year that the public was widely disillusioned with politics and politicians. Although he had never run for political office, Perot concluded that an articulate outsider might be elected. So in February, 1992, he announced on the Larry King Live show that he would put up \$100 million of his own money to finance the campaign if volunteers would get his name on the ballot in all 50 states. That having been substantially done, and his campaign all fired up, Perot withdrew his candidacy in July. On second thought, he reentered the race in September, though many of his followers had fallen away by this time. Even so, he ran a spirited campaign and got 19% of the popular vote and helped to make Clinton a minority President so far as the popular vote went. Perot was born in Texas, graduated from the Naval Academy, and served four years in the Navy. He learned the computer business working for IBM, formed his own computer company, and became fabulously wealthy through government contracts for his services.

office. He is tall, handsome, articulate, even glib, and can talk almost endlessly, given his head. He came to national attention in 1988 during the Dukakis campaign when he gave the keynote address at the Democratic convention. Clinton talked so long that some in the audience were hollering at him to get off before he finally did. After that, it seemed likely that he was finished at the national level, but he was back by 1980. He gave one of his almost endless talks in his State of the Union address in 1985, but it apparently did little harm.

The 1992 electoral campaign involved more than the contest between Bush and Clinton. Ross Perot, an exceedingly wealthy Texan, intruded himself into the election. He could and did have enough money to buy his way into national attention, and he was aggressive and pushy enough to get enough attention to come to the fore. Perot's main appeal was that he was an outsider to the Washington beltway, that he was not a part of the political establishment,



Bill (William Jefferson) Clinton (1946-)

Bill Clinton is the 42nd President of the United States, his term beginning in 1993. His family name was Blythe, and after his birth he was named William Jefferson Blythe III. His father, William Blythe, was killed in an automobile accident before Bill was born. His mother later married Roger Clinton, and at the age of 16 William Jefferson Blythe III changed his name to Bill Clinton. Bill graduated from Georgetown University, evaded the draft and the War in Vietnam, was a Rhodes Scholar, and got a degree from Yale Law School. He taught at the University of Arkansas for three years, then ran for and was elected attorney general of the state. From the late 1970s, into the early 1990s, Clinton became the perennial governor of Arkansas, except for a 2 year hiatus in the early 1980s. The American voters gave him only a plurality of the vote in 1992, but a majority of the electoral vote. The voters repented in 1994, however, and turned just about as much of the government over to Republicans as opportunity afforded.

that he had made none of the compromising commitments that it was assumed major party nomination entailed. He was free to speak only to and for the people who voted for him and were his followers. He claimed, too, to be a practical businessman, used to solving problems and capable of dealing directly and effectively with such problems as the deficit and other problems confronting the country. However, he pulled out of the race on July 16, fearing, or so he claimed, that his presence might throw the election into Congress since no candidate might get a majority of the electoral vote.

He put those qualms aside, however, and became a full fledged candidate on October 1. Perot chose Admiral (retired) James B. Stockdale as his running mate. Stockdale, it turned out, was neither articulate nor filled with things he wanted to say. No matter, Perot had enough chatter to fill any and all openings that might occur. The three televised presidential debates in mid-October gave Perot his

best opportunity to compete on more nearly equal terms with the other two presidential candidates. He could match his gift of gab with that of Clinton, and the two of them could and did outshine the more laconic Bush. Perot gained during the last weeks of the campaign, and Clinton's lead over Bush declined.

No candidate received a majority of the popular vote. Clinton got 43%, Bush 38%, and Perot 19%. But Clinton got a majority of the electoral vote, 370 to 168 for Bush, none for Perot. Clinton carried the more populous northeast and most of the Midwest. Bush's electoral strength was in the south, the farther Midwest, and some of the mountain states. Perot's presence certainly altered the outcome. If neither he nor any third party candidate of significance had been involved either Bush or Clinton would have obtained a majority of the popular vote. It might not, however, have altered who won or lost.

Appointments—Multi-Cultural and Others

The 1992 election returned Democratic majorities in both the House and Senate. The Senate was 57 Democrats to 43 Republicans; the House was 258 to 176. As pointed out earlier, the government—both Congress and the presidency—was under the control of one party. There were significant changes after the election in 1992 in the ethnic, racial and gender makeup of Congress. In the House, 47 women were elected, an increase of 19 from the preceding House. The number of blacks increased to 38, and Hispanics to 17. There was a 200% increase of women in the Senate, from 2 to 6. The newly elected women were Barbara Boxer and Dianne Feinstein from California, Carol Moseley-Braun from Illinois, and Patty Murray of Washington—all Democrats.

With the Democrats in control, it should follow that the presidential appointments and their approval in the Senate would go smoothly. Some did, of course, but others did not, and there were so many changes early on in the White House staff that their standing was more like temporary squatters than fixtures for a term. Even cabinet appointments were none too secure. Clinton's cabinet was, if



Janet Reno (1938-)

Reno was the first woman to serve as Attorney General of the United States. She came under attack for her partisan dismissal of U. S. attorneys, and, more seriously, for the aggressive assault on the Branch Davidian compound in Waco, but these were early missteps which she put behind her. She has stood out for honesty and commitment to her job in a generally undistinguished Clinton cabinet. Reno was born in Miami, Florida, graduated from Cornell University with a degree in chemistry, and obtained a law degree from Harvard. Over the years she became a high profile prosecuting attorney in Miami. Like most of Clinton's cabinet she is fixedly liberal. The New York Times quoted her saying, "My highest priority is to protect the rights of the guilty, not convict the guilty." She is, of course, pro-abortion and could hardly wait to get a law passed restricting the demonstrations of pro life people.

not multi-cultural, at least leaning in that direction. There were four blacks, three women, two Hispanics, and 5 white men in a newly acquired minority status in the cabinet.

Clinton's first appointee to the post of Attorney General, Zoe Baird, did not make it past the gate. It turned out that she had hired an illegal alien couple to work in her home. This was in violation of the law, which she would be expected to uphold. Baird withdrew her nomination. Then President Clinton prepared to nominate Judge Kimba Wood for the post when it came out that she, too, had employed an illegal alien as a baby sitter. Clinton never formally nominated her. Instead, he brought forward Janet Reno of Miami as his next candidate for attorney general, but by the time she was approved the office had been vacant for a while.

But Clinton was not finished with withdrawing nominations. He chose Professor Lani Guinier to be assistant attorney general for civil rights. It turned out that Guinier had written controversial articles proposing maneuvers for giving blacks more voting power. Black leaders, especially those in the Congressional Black Caucus, warned the President not to drop Guinier. Clinton, however, with-

drew his support for her, defending it by saying that he had not read her writings previously and when he did he found them difficult to defend. Clinton looked inept on the above and other appointments. Instead of firing himself, however, he shook up his staff and brought in David Gergen, an adviser to Republican presidents, to assist him.

Janet Reno had hardly settled into the Justice Department before she was confronted with a major problem near Waco, Texas. The Branch Davidians, led by David Koresh, were an offshoot of the Seventh Day Adventists. They had a compound near Waco with over 100 people. The people consisted of followers of Koresh and their wives and children. The U. S. Bureau of Alcohol, Tobacco, and Firearms apparently got wind of weapons and explosives being stored there. On February 28, they moved on the compound with large numbers of armed men and warrants to search the place for firearms and explosives as well as to arrest Koresh. They were expected, and gunfire was exchanged. Four Federal agents were killed, and several within the compound were killed and wounded. The ATF backed off, gathered reinforcements, and laid the compound under siege.

The siege lasted from February 28 to April 19. During that period, some people went in and out of the compound. According to report, as many as 37 people had left the compound during this period, and on April 19 there were 95 people left inside. Many of those inside were women and children. Koresh had been wounded during the February 28 firing, but he never received medical attention.

On the morning of April 19, government tanks moved on the building which was the compound, crushed the walls, and fired tear gas into it. The FBI claimed that some of the people inside fired at those outside. In the course of the morning, a fire broke out and burned all those who were inside the compound. From the remains of this intense fire it was determined that at least 72 people had died, 17 of whom were children. There may have been others killed and or consumed by the intense fire. Attorney General Janet Reno said that she had given the order to attack the compound, the order that resulted in the assault on April 19. She justified the attack at that time because there were no replacements for Federal agents who needed relief, that no progress was being made in negotiations, and that

child abuse was going on inside the compound. President Clinton announced that he agreed with Miss Reno's decision and that he "bore full responsibility for the results."

It is often not clear what people mean when they say they are responsible for something. Nowadays, terrorist groups often claim responsibility for particular terrible deeds. But the individual(s) who did the deed is not identified, and no one is subject to punishment. It could be that President Clinton was claiming responsibility to protect Miss Reno. That would have been chivalrous, but also quite rash of him. What went on at and around the Branch Davidian compound at crucial times is a matter of dispute. Attorney General Reno said that she ordered the attack on April 19, giving as one of the reasons the belief that child abuse was going on in the compound. Whether or not child abuse was ongoing is a matter in dispute. But even if there was, it is highly doubtful that dangerous tear gas should have been used on children as well as adults as it was. In fact, the children as well as adults were consumed by fire. How the fire started is in dispute as well. Nine members of the Branch Davidians escaped from the compound during the fire. Two of these denied that there was any plan for a mass suicide and that the armored vehicles knocked over a container of fuel which fueled the fire. Arson investigators claimed that the fire had been deliberately set inside though that could hardly be any more than conjecture.

If David Koresh was to any degree responsible for what happened at the compound, as he surely was, he has been sufficiently punished by being burned to death. But what of the ATF, the other Federal agents, and those in high office who have claimed at least a portion of responsibility for these events? It is reasonable to conclude that none of this killing and burning would have occurred, absent the government agents and their approaches and attacks. It is not merely hindsight that suggests that the warrants could have been served considerably less provocatively than sending a hundred armed men to march on the compound. Koresh could have been arrested without even entering the compound. As one writer asks, "...why would ATF have decided on a high-risk military-style raid when they might have picked Koresh up on one of his regular jogs? Or, alternatively, when he was out shopping, as he often was, with his legal wife Rachel Koresh and their kids in local music stores and auto

parts shops? Or when he was at one of the many gun shows he regularly attended?" (Daniel Wattenberg, "Gunning for Koresh," *The American Spectator* [August, 1993], p. 38) There is good reason to believe also, that the local sheriff could have obtained access to the compound, if the whole matter had been gone about in a peaceful and civil manner.

In sum, the whole business was conducted in such a way as to provoke a strong reaction from Koresh and his followers. The government agents acted as if they were hunting down desperados, and the Branch Davidians responded in kind. Both sides were to some degree wrong. The Branch Davidians were virtually wiped out. None of the government personnel nor those in charge of them have been tried or punished for their malfeasance. Neither Miss Reno nor President Clinton have yet been held responsible for what they did.

Several of Clinton's cabinet appointees have behaved more or less scandalously, and much of this has become public knowledge. Henry Cisneros, Secretary of Housing and Urban Development, was exposed for his handling of large payoffs to a former mistress. He misled the FBI, who made a background check on him, as to how much was being paid, and when. Some payments have been made since his appointment to the cabinet, though the affair was earlier. The woman had made tapes of conversations, and Mr. Cisneros has paid her not to make them public. Blackmail, bribery, "hush money," or something like that, was paid.

Ron Brown, Secretary of Commerce, had been under ongoing investigations until he was killed in a plane crash in Bosnia in April, 1996. The Justice Department investigated him for taking a large sum of money to get a trade embargo lifted from Vietnam but lacked evidence to file charges. A former partner of Brown's, Nolanda Hill, paid off extensive debts for him after they were supposed to have severed all ties. Any connection with her business would be compromising for Brown because her company had defaulted on a huge debt to the Federal Deposit Insurance Corporation. Brown's financing of a town-house was suspect. Much of this was still unresolved when he died in the plane crash.

Mike Espy, Secretary of Agriculture, was the first cabinet official to resign while still under investigation. His problems arose mainly from accepting gifts and various favors from companies

regulated by the department he headed. Tyson Chicken Company was a major source of these favors, and it came to public attention that Espy had called a halt to imposing tougher regulations for the inspection of poultry. In leaving, Espy insisted he had done his job faithfully but was sloppy about details in his personal activities. He was replaced by Dan Glickman of Kansas.

Hazel O'Leary, Secretary of Energy, has not come under investigation, but she has caught attention by her extensive foreign travels. Federico Pena, Secretary of Transportation has not been in a scandal, but he left behind a large boondoggle in the huge remote airport partially completed during his tenure as mayor of Denver. Lloyd Bentsen, Secretary of the Treasury, had some irregularities in his Department, but denied knowledge. Whatever the case, Bentsen resigned in 1995 and was replaced by Robert E. Rubin of New York.

Dr. Jocelyn Elders, an outspoken physician from Arkansas, was appointed Surgeon General by President Clinton. In office, she seemed to take a radical position on every controversial issue that came by her desk. Clinton either defended or ignored her for as long as he could, but when she made an outrageous suggestion of a subject children should be taught in school, he dropped her. He nominated Dr. Henry Foster to replace her, but Foster had performed an uncertain number of abortions so that the Senate never approved him. Many Republicans were of the opinion that the office of Surgeon General was unnecessary anyway.

Staff members and a goodly number of people below the top posts have involved themselves in an assortment of questionable activities. George Stephanopoulos, a White House aide who served in several capacities, made heavy investments for a man in his financial position. David Watkins, a White House administrative officer, was forced from office for using the presidential helicopter for golf games. It came out, too, that he had used Clinton campaign funds to pay off a woman with whom he was having trouble. Several White House and Treasury employees were forced to step down because of improper revelations of ongoing investigations in the Whitewater case. Among them were White House counsel Bernard Nussbaum, Deputy Treasury Secretary Roger Altman, and Jean Hanson.

In some ways, the most disgraceful of the shenanigans of the Clinton Administration was the Travel Office fiasco. In view of the interest in it, control of the White House travel office must be quite a financial plum. It deals with journalists who travel with the President as well as with other travel arrangements. Several people close to the Clintons were interested either in being hired for a travel office job or doing business with the travel office. Catherine Cornelius had sought work there. The travel office was manned by seven long term employees: for example, one had been employed for 26 years, one for 19 years, and another for 13 years. David Watkins, from the White House, entered the travel office on the morning of May 19, 1993. What happened was later described by one of the men this way: "It was short and sweet. He basically came in and said that, as a result of the National Performance Review and the Peat Marwick Audit, they found that the office was severely mismanaged and they could certainly do a better job with their own people. And that as of then, that was it for us—and they'd like us out of the building by noon."

It was clear that everything had been planned in advance because of what happened when the staff of the travel office went out together for a short while. When they returned, "the office was manned.... They were there at our desks working away, without even giving us the opportunity to go through our desks and clean anything out." The former travel office staff packed up what they could, called for a van to pick them up, lugged their belongings outside, and loaded them on the van. There was only one seat in the van for the half dozen people. The just fired Director of the Travel Office, Billy Dale, was there with them in the van, and one of his colleagues reflected on the situation: "I'm sitting right across from Billy and thinking, 'Thirty-two years and this man is riding out of the White House on the wheel hub of a van without seats.' Granted, we all lost our jobs, but this poor man-after 32 years you're supposed to go out in a blaze of glory, and he's sitting on the wheel hub. It was disgusting." (Byron York, "Travelgate Survivors," *The American Spectator* [November, 1995], pp. 23-24)

But insult was to be added to injury, or *vice versa*. Not only had their work been described as "gross mismanagement" nationally by Dee Dee Myers, the White House press secretary, but all the fired

employees were subjected to an extensive, intrusive, and expensive F.B.I. investigation. On top of that, Billy Dale was indicted, tried, acquitted, and out over one-half million dollars in legal costs to defend himself.

What was behind these shameful and disgusting goings-on? Within days of the firings, the underlying story began to surface. The Clintons—both Bill and Hillary, for she was involved also—had sought to reward their friends. Here is how the story unfolded. On the same day the firings occurred, the White House announced that Mr. Clinton's cousin, Catherine Cornelius, had been placed in charge of the travel office. The White House acknowledged two days later that Cornelius had sought the job in February. It also acknowledged that the television producer Harry Thomasson, a friend of the President, had a partner who had tried unsuccessfully to get travel office business for a charter company. The White House also announced that a Little Rock based travel company had withdrawn from the opportunity to manage operations at the travel office. Three of its officers had contributed to Clinton's campaign, but they were obviously having second thoughts about taking any rewards. On May 24, reports came out that people on the staff at the White House had put pressure on the F.B.I. to make a report supporting the firings. Although the outline of the White House maneuvers were clear enough within a few days of the firings, damage control has continued up to the present, with more than a little success in covering up the whole business. Five of the men who were fired (later called suspensions) have been placed elsewhere in the government, though not Billy Dale and the other staff member, who retired. Such investigations as occurred while the Democrats controlled both houses of Congress amounted to little more than cover-ups.

One other rather unusual Clinton appointment needs to be mentioned here. He appointed his wife, Hillary Rodham Clinton, to head a Task Force on National Health Care Reform. Mrs. Clinton is a lawyer, like her husband a graduate of Yale law school. It was not specifically illegal. Nepotism is not prohibited to United States Presidents. President John F. Kennedy appointed his brother, Robert, Attorney General. That aside, however, what Clinton did was probably unwise, inept, and in poor taste. As it turned out, the Task Force engaged in a great deal of activity, proposed much, far too much, and

accomplished nothing. It will probably not serve as a model for future Presidents to imitate.

Aroma from the Clintons' Past

William Jefferson Clinton is a man of large appetites and great ambition. He wanted to be President of the United States, and he achieved that position. He might have done more to warrant the office than he did. To be governor of Arkansas, even several times over, had hardly prepared him for the Washington limelight. He had no military or diplomatic experience, nor had he ever served in any national office or any presidential administration. In fact, he had deliberately evaded military service during the war in Vietnam—was a draft dodger, in the common parlance. Before entering politics, Clinton's accomplishments were academic. He graduated from Georgetown, studied at Oxford in England, and got a law degree from Yale. Following that, he taught two years at the University of Arkansas law school before going into politics.

His background before he went to college may have had as little influence on him as he could help. If so, that may account for the severe intellectualism of his approach to reality. He appears to be quite comfortable in a mental world where words can be manipulated so as to accomplish any desired result. He can square the circle with words, so to speak, with a minimum of effort. Clinton is a smooth operator; he can explain, or explain away, almost anything with ease, because there are no contradictions in his mental world. He is exceedingly charming and outgoing. If his brow has ever furrowed, the cameras must never have caught it, for his face always has something between a smile and a grin on it. Faced with anything unpleasant about him he is as slippery as an eel, if not more so.

And Mr. Clinton has had much from his past to evade, explain away, and glide around. His large appetites and his ambitions have left a considerable residue from his past. Much of it stems from the time before he became President, though his presidency has been pockmarked with potential scandals. At any rate, we begin with an event during his presidency—the death of Vincent Foster, Deputy White House Counsel, July 20, 1993. The brief note on the event



Hillary Rodham Clinton (1947-)

Hillary Clinton is nationally known as President Bill Clinton's wife, though she has other more measurable accomplishments. She graduated from Wellsley College, where she had been president of student government, earned a degree from Yale Law School, where she was an editor of the Yale Law Review and Social Action, and became a partner in the prestigious Rose law firm in Little Rock. In addition, she has been twice rated as one of the 100 most influential lawyers in the country. Hillary Rodham was born in Park Ridge, Illinois, attended prestigious colleges and universities, took up politically correct causes, tried to pursue her own career, but that has been increasingly overshadowed by and subordinated to the presidency of her husband. Indeed, Mr. Clinton tried to give her an important role in his presidency by appointing her to head a task force to work out a program for health care reform. Her group produced a massive proposal for what purported to be a comprehensive health insurance program covering all Americans either by government mandated or provided funds. The Democratic leadership in the Senate gave up on it in 1994, and the program was abandoned. Mrs. Clinton has been engaged in less potentially catastrophic activities since then.

which appeared in the 1996 *World Almanac and Book of Facts* gives what might well have been the official version of what happened:

Vincent Foster, the deputy White House counsel and long-time friend of Bill and Hillary Clinton, was found shot to death in a park in northern Virginia. An autopsy indicated that he had committed suicide.

Even if Foster did commit suicide, there is much that needs explaining connected with the case. However he was killed, it is doubtful he was killed where the body was found. It was in a remote park which he was not known to have used. The gun was found in his right hand, but he was left handed. It was an antique which he

was not known to possess. There is much more, but the point is that there is reason to doubt that it was a suicide. Moreover, the case was disposed of as quickly as possible. The park police did the investigation despite the fact that Foster was a high government official. Only a minimal photographic and other graphic records were made. The suicide decision was made so quickly that the F.B.I. did not get into the case.

Be all that as it may, there is a great deal of evidence that the White House was vigorously removing files from Foster's office. One publication describes what went on this way: "Vince Foster's White House office was sacked by Clinton officials who refused to obey the Park Police to seal and secure the office. Involved in that search through Foster's office were Bernard Nussbaum...Patsy Thomasson..., and Margaret Williams (Hillary's chief of staff). Williams, it turned out, removed files from Foster's office and brought them to the White House residence. Documents were squirreled away, and untruths fobbed off for quite a while...." (William P. Hoar, "The Clinton Scandals," *The New American* [February 20, 1995], p. 28)

The Vincent Foster case leads back to Whitewater, which is the most extensive scandal of the Clinton era in Arkansas. Investigators believe that at least some of the papers the White House took from Foster's office dealt with Whitewater. A complex of organizations are usually discussed under the label "Whitewater." First, there was the Whitewater Development Corporation, which is covered by the label. Then, there was the Madison Guaranty Savings and Loan. Plus, the dealings of Hillary Clinton and three of her colleagues (one of whom was Vince Foster) at the Rose Law Firm where they worked for most of the 1980s and into the 1990s. To put it another way, "Whitewater" as a national scandal entails those dealings with or between James and Susan McDougal, on the one hand, and Bill and Hillary Clinton and colleagues, on the other.

One reporter has described what was going on during the years from 1978-1992 in Arkansas this way: "for 14 years, Bill and Hillary Clinton ran with a crummy crowd, nourished in part by state-capital mores, in part by yuppie corner-cutting. They were the Masters of the Universe, Little Rock division. In 1992, the crowd, and its habits, went national. Some of the alleged misdeeds of the Clintons and

their friends are simply sleazy or embarrassing. Some are criminal.” (Richard Brookhiser, “Whitewater Runs Deep,” *National Review* [March 21, 1994], p. 42) Whitewater was certainly a tangled and unsavory mess. Some of the people involved have already been tried and sentenced, others have been charged with misdeeds.

Whitewater Development Corporation was a joint venture of the McDougals and Clintons. Its purpose was to develop properties that were acquired. Clinton claimed that the investment lost money, which has not been disputed, and that they lost what they had invested. It is possible that the Whitewater corporation is only important because it was the formal connection between the McDougals and Clintons. James McDougal bought Madison Guaranty Savings and Loan in 1982, and it became the “piggy-bank” for McDougal’s aid to the Clintons as well as others. All the ways that Madison Guaranty helped the Clintons have not yet been established, but evidence mounts that both were beneficiaries—probably of depositor’s fund from the organization.

How Clinton’s being governor stood Madison Guaranty in good stead has been told by U. S. Representative James Leach this way:

Under the governorship of Bill Clinton, the First Lady of Arkansas was hired to represent the S & L before state regulators, the president of the S & L was placed on the S & L Commission, an attorney who represented the S & L was named the state S & L regulator, and the S & L was allowed to operate, despite being insolvent for an extended period, providing millions in loans and investment dollars to insiders and the Arkansas political establishment.

Under the governorship of Bill Clinton, the S & L was allowed to grow 25-fold until federal regulators forced its closing, at which time taxpayers picked up the tab for losses that amounted to approximately 50 percent of the institution’s deposit base. (Quoted in William R Hoar, *The New American* [May 16, 1994]. p. 4)

The Clintons have worked diligently to cover up the Whitewater doings. They have played down the significance of revelations, concealed their involvement in unsavory events, and have been assisted in the cover-ups by those who worked for them. For example, "Testifying before senators who wanted to know more about the period following the death of Vincent Foster, Margaret Williams, chief of staff to Hillary Rodham Clinton, said on at least thirty separate occasions that she did not remember events of those days. Susan Thomases, the first lady's New York confidante, cited no memory at least forty one times. And Bernard Nussbaum—the former White House counsel who told senators, 'My memory is not vague, it's quite definite, and not at all uncertain'—nonetheless claimed he could not remember at least seventy-one times." (Byron York, "Total Unrecall," *The American Spectator* [October, 1995], p. 50)

There is no reason to doubt that the Clintons have been hampering, delaying, and putting obstacles in the way of Whitewater investigations. The details of what is known about some of these efforts to cover-up are too intricate to examine here. Moreover, if charges of obstruction are ever brought against the President, they would be most serious. There is no reason to doubt, however, that the Clintons were entangled in the Whitewater scandals.

Some journalists have included Mr. Clinton's numerous adulterous affairs before moving to Washington as President as a part of the Whitewater scandals. They are not definitely known to be connected with the other scandals. Neither the McDougals nor any of the Whitewater organizations are connected to his trysts with an assortment of women. This side of Clinton's activities surfaced in January, 1992, when the supermarket tabloid *Star* published claims by Gennifer Flowers, a night club dancer, that she had a 12-year affair with Clinton. He appeared on "60 Minutes" with his wife to deny the affair and to assert that Gennifer was only a "friendly acquaintance." He pled guilty to unspecified wrongdoing and claimed that he and Hillary now had a good marriage. As for the tapes that Gennifer had of conversations with him, Clinton said they had been misinterpreted. The affair has been confirmed by Gennifer's mother and her room mate.

The full scale of Clinton's adultery did not become public knowledge until late 1993 when *The American Spectator* published an article entitled "Living with the Clintons" in the January 1994 issue. This article and other published material indicate that Mr. Clinton had slaked his lust with hundreds of women during the time when he was governor and that he had several lengthier affairs, including the one with Gennifer Flowers. The main source of information about most of these infidelities were state police who served governor Clinton during these years.

Journalists have considered the question whether or not the clandestine sexual activity of politicians in high places is a proper matter to be exposed in the press. The question may also be raised about its appropriateness in historical accounts. In fact, scandals have long been the subject of journalistic coverage, and histories detail many of them. Multiple adulterous liaisons of public persons are surely scandalous. They bear upon the character of the person: his honesty, fidelity, loyalty, on the sincerity of his commitments, on how well disciplined he is in holding his appetites and inclinations in check, and how faithfully he performs his job. There is the matter, too, of the extent to which he corrupts those who associate with him and serve him.

On the matter of corrupting those around him, David Brock in the article mentioned above describes how state troopers were mis-used and presumably corrupted:

The troopers said their "official" duties included facilitating Clinton's cheating on his wife. This meant that, on the state payroll and using state time, vehicles, and resources, they were instructed by Clinton on a regular basis to approach women and to solicit their telephone numbers for the governor; to drive him in state vehicles to rendezvous points and guard him during sexual encounters; to secure hotel rooms and other meeting places for sex; to lend Clinton their state cars so he could slip away and visit women unnoticed; to deliver gifts from Clinton to various women...; and to help Clinton cover up his activities

by keeping tabs on Hillary's whereabouts and lying to Hillary about her husband's whereabouts. (p. 21)

Nor did the corruption end with these obvious abuses of power. Mr. Clinton became aware of how much more important it was that none of his infidelities become known once he ran for and was elected President of the United States. Betsy Wright, a Clinton campaign aide in 1992, said she spent much of her time quelling "bimbo eruptions," mainly shutting people up before they talked. This was accomplished by such devices as promising people good jobs if they would not talk, hiring private investigators to get derogatory information about potential talkers who could be threatened with exposure, and making references to harm that might come to them if they talked. (See Brock, "Living with the Clintons," p. 18)

Nor should it go unremarked that Clinton was also engaged in widespread contemptible behavior toward women in general. More, he was corrupting those women he seduced and luring married women, which some were, into infidelities. To wrap this up, there is an ongoing lawsuit filed by Paula Corbin Jones against President Clinton for sexual harassment by making unwanted advances. The story as Paula Jones has recounted it is that the unwanted advances took place on May 8, 1991. She was employed by the Arkansas Industrial Development Commission as a hostess at a Governor's Conference at the Excelsior Hotel in Little Rock. A state trooper approached her and said the governor would like to see her in his hotel room. The trooper took her to the door of the room and waited. Inside, Clinton made lewd and unwanted advances and suggestions which Mrs. Jones says she rejected. She informed two friends of what happened immediately afterward and obtained affidavits to that effect from them. She eventually sought an apology through her lawyer from Mr. Clinton. She then filed suit against him, but the courts have delayed until he is out of the presidency or otherwise available.

The highest reason for making these unseemly scandals a part of history is that history is supposed to perform a cautionary role showing that wrongdoing does not produce good results. Unfortunately, it is not yet clear that Mr. Clinton is to be punished by voters or otherwise on earth for his scandalous behavior. One reason why that is not

yet happening is that the major media have down-played the various scandals Mr. Clinton has been involved with before or after he came to the presidency. A part of the reason is probably ideological: newspaper and television reporters on major networks, newspapers, magazines, and the like share Clinton's ideas and have a liking for his policies. Then there is the generational thing. Clinton is the first "baby-boomer, President, protested our involvement in Vietnam, dodged the draft, has brought into government many younger people of that era, and shares their penchant for loose morals. At the present time (early 1996) the major media, especially the major networks, are doing their best to make Clinton look and act presidential. The polls indicate they may be succeeding.

Conservative Talk and Liberal Policies

No Democrat who was not a Southerner—not from a state from the former Confederacy—has been elected President since John F. Kennedy in 1960. Indeed, Kennedy might not have made it in 1960 had he not chosen as his running mate Lyndon B. Johnson of Texas. In any case, from 1964 to 1992, Democrats have only succeeded in electing Southerners to the highest office in the land. Now that is neither because the South has so many electoral votes nor because Southern states are likely to give their electoral votes to a Southerner. True, Jimmy Carter of Georgia carried the South in 1976, but he carried only his home state from that region in 1980. The main reason that Democrats can only elect Southerners is that in national elections the reputed conservative candidate has usually won since 1960. To put it another way, liberal Democrats have usually lost and lost badly since 1960.

The explanation for this phenomenon is that the South is reputed to be conservative, a reputation not entirely earned. For much of the 20th century Southern Democrats have been more or less conservative. That has been changing somewhat ever since the 1930s, and it accelerated since the mid-1960s. However, national perceptions have not kept up with the changes. Democratic candidates have often deliberately delayed changes in perceptions during election campaigns. They try to expand their constituencies by keeping their liberalism low key and appealing as much as they dare

to conservatives. It should be said, too, that Southern Democratic Senators and Representatives usually have lower scores from liberal organizations who rate them and higher scores from conservatives than their Northern counterparts. Not so, Democratic Presidents; their liberalism comes to the fore in high office.

That has been especially the case with President Bill Clinton. Clinton has been more adept at talking conservative than either Lyndon B. Johnson or Jimmy Carter. Promotional material on a new book by Meredith Oakley, *On the Make: The Rise of Bill Clinton*, claims that he has devised “a calculated, lifelong strategy of “ ‘running right’ and ‘governing left’ ” It says that he won gubernatorial elections as a “moderate Democrat” and then loaded his “staff with liberal activists.” That has certainly been his mode of operation at the national level.

Clinton has been clever or insightful enough to realize that liberalism no longer has a broad enough appeal to gain power nationally. Whatever doubts he may have had were removed by the overwhelming defeats of Carter in 1980, of Walter Mondale in 1984, and of Dukakis in 1988. Thus, in 1992 he played the role of being moderate to conservative throughout the campaign. He assented to the view that the Federal government was too big and eventually set Vice President Gore to the task of “reinventing government.” He promised to end welfare as we know it. He promised to look after America’s middle class with a substantial tax cut. He would, of course, reduce the deficit and work toward a balanced budget.

In office, Clinton showed his true liberal colors all too soon. He surrounded himself with a cabinet which was the most diverse in gender, race, and ethnic background, and most homogenous in adherence to liberal ideology ever (with the possible exceptions of Secretary of State Warren Christopher, who has not stopped moving from one foreign country to another long enough to identify his beliefs and Lloyd Bentsen who was too busy preening while he was in office to commit himself to positions). Clinton’s acts in office made his liberalism even clearer.

He was barely inaugurated before he lifted Reagan and Bush restrictions on abortion. Clinton issued executive orders on January 22, 1993 which canceled the rule barring everyone but doctors at federally supported family planning clinics from discussing abortion,

removed the prohibition on the use of fetal tissue where federal funds had been obtained for medical research, put an end to the policy forbidding U. S. aid to foreign family-planning programs that had abortion counseling, and permitted abortions in U. S. military hospitals if they were privately paid for. Clinton professed himself in favor of there being fewer abortions, but he has opposed every legal effort to limit them. When Congress passed a bill in 1996 prohibiting partial birth abortions—a particularly grotesque procedure—Clinton vetoed it.

But to continue with the chronology of Clinton's liberal policies, even before he took office, he announced at a press conference that one of his first acts as commander-in-chief would be to lift the ban against homosexuals in the armed forces. This had the look of being an "in-your-face" to those who had criticized him for dodging the draft, though he did announce that he would consider the views of military leaders. General Colin Powell, chairman of the Joint Chiefs of Staff, did not withhold his opinion for long. He said, "It is difficult in a military setting where there is not privacy, where you don't get choice of association, where you don't get choice of where you live, to introduce a group of individuals who...favor a homosexual life-style." There were many other vocal opponents, including Senator Sam Nunn of Georgia, chairman of the Armed Services Committee. Faced with so much opposition, Clinton backed down somewhat and announced a "don't ask, don't tell" policy for homosexuals in the military.

On February 5, Clinton signed a family leave bill which provided workers up to 12 weeks of unpaid leave to tend to family needs and crises. It was just the kind of soppy bill that liberals like, though they would have liked it better if it forced employers to pay them during the leave. They especially like telling private employers how to run their businesses.

On May 20, 1993, President Clinton signed into law a measure dubbed the "Motor-Voter" bill. It made it possible to register to vote when applying for a driver's license, as well as at welfare offices and the like. The measure treated states as if they were servants of Congress. Measures which make it easier to vote are greatly preferred by many Democrats, who suspect they will get the larger share of any vote from those who don't want to go to any trouble to vote.

Clinton's budget proposals met with stiff resistance from Republicans. The Republicans could delay or prevent actions on bills in the Senate with a filibuster, and when they were joined by enough Democrats they could defeat bills in one or the other house, which is all that it takes. The President outlined a deficit-reduction proposal in mid-February 1993. It proposed reducing spending and increasing taxes. It even proposed a new spending measure, an economic stimulus package estimated to cost \$16.3 billion. The Republicans attacked this spending proposal vigorously and filibustered it to death. Clinton also proposed an energy tax based on the heat fuel would produce measured in British thermal units. This didn't go over well with Republicans and some Democrats, so Clinton abandoned it.

A final package was put together with various changes and compromises. The BTU tax was dropped in favor of a gasoline tax, and spending programs were reduced. The Republicans still vigorously opposed the whole package, and it passed by unusually slim margins in August. The vote for the budget reduction budget was 218-216 in the House, and 51 to 50 in the Senate after Vice President Gore voted to break the tie. It should be noted, too, that the deficit did decline significantly in 1994 over the immediately preceding years.

President Clinton's approval rating began its decline almost as soon as he took office. The political repercussions began to show up as early as June, 1993. On June 5, Kay Bailey Hutchison, a Republican and Treasurer of the state of Texas, was elected to the U. S. Senate, defeating the Democrat who had temporarily been appointed to Bentsen's seat. She campaigned against Clinton's economic program and won by a 2 to 1 majority. On June 8, a Republican businessman was elected mayor of Los Angeles. He ran an anticrime campaign.

On at least one program, Clinton did take a promised position as a new kind of Democrat. He came out for free trade by pushing for the ratification of the North American Free Trade Agreement (NAFTA) which had been negotiated by the Bush Administration with Mexico and Canada. There was labor union opposition to the agreement, and many Democrats opposed it. To add to Mr. Clinton's difficulties, Ross Perot was an outspoken opponent of it. Clinton persevered, however, and the House approved it November 17, 234

to 200, with more Republicans voting for it than Democrats. The Senate approved it a few days later.

But the major piece of proposed legislation of the first two years of Clinton's term was the one having to with health care reform. The proposal was the joint effort of Hillary Rodham Clinton and Ira Magaziner, helped along with a cast of hundreds, not thousands. It was introduced on September 22, 1993 with maximum political hoopla—President Clinton presented it to a joint session of Congress before a national television audience. It proposed an almost complete make-over of the financing of health in the United States. It would provide a standard package of benefits for all U. S. citizens and legal aliens, including the 37 million Americans alleged not to be covered by insurance at the time of the proposal. If it was not socialized medicine it was a giant leap in that direction, though it was not usually discussed within that framework. At the least, it was a radical liberal program.

The health care reform proposal was long on promised benefits and short on proposals of new taxes to pay for so comprehensive a program. Medicare premiums would rise, but potential benefits would be greatly expanded to include payment for prescription medicine and long term assisted or nursing care. The benefits were supposed to compare favorably with the coverage provided by large corporations. Employers were to pay 80% of health care insurance costs of full time employees and a portion of the costs for part time employees. The government was to subsidize insurance for people with low incomes. Much of the greatly increased costs were to be covered by a projected vastly improved control over costs.

In total, it was far too complex, too extensive, and too comprehensive to be grasped. How it would work in practice was just about anybody's guess. Opposition was strong from many business, medical, and insurance organizations. Many Republicans were dubious, at the least, of the measure, and some Democrats were less than enthusiastic about it. In late September, 1994, the Democratic Senate Majority leader, George Mitchell, stopped efforts to get the measure through the Senate. The major political effort of Clinton's first two years had failed. Hillary Clinton's showcase product had fizzled out. The regular 1994 session of Congress ended on October 8 with partisan feelings running high. The Democrats did manage to pass

the environmentalist California Desert Protection bill, but most of their legislation had been turned aside by filibusters.

The 1994 Mid-term Elections

Clinton's administration had been very nearly in a tailspin for much of 1993, and was in a tailspin from mid-1994 to November 1994. A good case can be made that it crashed in 1994, and only hesitantly took flight again in 1995. From the outset, he was in trouble with miscues both personally and in policy. Scandals and rumors or investigations occurred among his appointees at staff and cabinet level. Whitewater investigations and revelations plagued him. More and more of his infidelities became public knowledge, and he continued to fall in the polls.

Never before had a President and his first lady been so pilloried by messages on bumper stickers, T-shirts, doormats, caps, coffee mugs, keychains, and even watches that ran backwards. *The American Spectator's* classified section had usually carried one to two pages of ads before Clinton. The June, 1994 issue had seven pages of ads, most of them saying humorous to nasty things about Clinton and his wife. Many of them referred to him as "Slick Willie." Others carried such messages as, "Impeach Clinton, and Bill too!" This and much more seemed to be on the way to making the Clintons a laughing stock.

This was a part, if a very small part, of the ambience in which Clinton very nearly crashed in the election of 1994. Of course, Clinton was not running for office in 1994. That was lucky for him, most likely. It should be noted that it is not uncommon for the President's party to lose some members in Congress in mid-term elections, but there has rarely, if ever, been such a turn around as occurred in 1994. True, the Republicans made a maximum effort to field attractive candidates. The sitting President was so unpopular that many Democratic candidates distanced themselves as far as they could from him, and did not wish to have Clinton's endorsement or have him come into their districts to campaign for them. Newt Gingrich, of Georgia, deserves much of the credit for what hap-



George Mitchell (1933-)

Mitchell was Senate Majority Leader for the Democrats during the whole of Bush's term and the first two years of Clinton's presidency, i. e., 1989-1995. He was a quiet, almost laconic, New Englander, more given to cautious maneuvering rather than forceful or aggressive leadership. As it turned out, he oversaw gridlock more often than legislative victories. Mitchell was born in Waterville, Maine, graduated from Bowdoin College, served in the Army, and got a law degree from Georgetown University. As many lawyers do, he was soon involved in politics, first at the state then at the national level. He became a Democratic party leader in Maine and this provided the connections for his gubernatorial appointment to replace Edmund Muskie in the Senate. That, in turn, gave him a leg up when the time for an election to fill that office came; he ran and won by a landslide.

pened. He assembled 300 Republican candidates for the House at the Capitol on September 27, 1994, and they publicly signed his "Contract with America," a list of actions they committed themselves to push through Congress within three months of coming to Congress. Congress was at a low ebb in public esteem as well as the President, and much of the blame was laid on the majority party.

In any case, as a result of the election of November 8, 1994, the Republicans went from being the minority to the majority party in Congress. Both the House and the Senate got Republican majorities: the House now had 230 Republicans to 204 Democrats with 1 independent; the Senate to a 52-48 Republican majority. But that was not the end for the Senate. On November 9, Senator Richard Shelby of Alabama announced that he was shifting to the Republicans, giving them a 53-47 majority. To cap it off, Senator Ben Nighthorse Campbell left the Democrats to join the Republicans, giving them a 54 to 46 majority. How the victories were accomplished may be more impressive than the numbers. Six Democrats did not seek reelection to the Senate, including the Majority Leader George Mitchell and David Boren, who resigned his seat before the election,

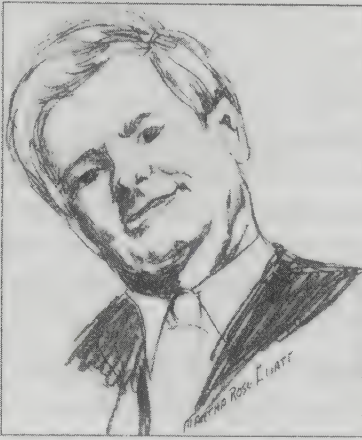
did not seek reelection. The Republicans won all of them. New Republicans won the seats which Republicans vacated in the Senate, and veterans were reelected in all Republican seats that came up for election in 1994. Republican Bill Frist won Democrat Jim Sasser's seat in Tennessee, and he had been the front runner to succeed Mitchell as leader of the Senate. Some even bigger names were defeated in the House elections. Speaker Tom Foley of Washington lost his seat as did Dan Rostenkowski of Illinois, who has since been convicted for some of his misdeeds in the House.

If anything, the Republicans did better in state elections than in Congress. Before the election, Democrats were governors of 29 states to 19 for Republicans, with two independents. After the 1994 election, there were 30 Republican governors to 19 Democrats, and one independent. More, the most populous states, with the exception of Florida, are governed by Republicans. Mario Cuomo, who was thought unbeatable as the Democratic governor of New York, lost to relatively unknown, George Pataki, the Republican. George W. Bush, the former President's son, beat Ann Richards of Texas. Republicans also made large gains in their numbers of seats in state legislatures.

The repercussions from the astonishing Republican victories continued to come during the year of 1995. A member of the House of Representatives from Texas and one from Louisiana changed from the Democratic to the Republican party. There have been mass shifts from Democratic to Republican in Texas and Alabama. Among prominent Democratic Senators who have announced early they will not seek reelection in 1996 are Bill Bradley of New Jersey, Sam Nunn of Georgia, and Howell Heflin of Alabama.

The Republicans quickly reorganized in Congress in January of 1995 and moved into action. This was especially so in the House of Representatives, where Newt Gingrich was elected Speaker, and Dick Armey of Texas the new majority leader. Both men are determined and dogged doers. They had behind them the first Republican majority in the House in 40 years. The Senate Majority Leader was Bob Dole, a veteran who moved at a more measured pace than did Gingrich in the House.

Gingrich had to move quickly, for he had taken a lot on his plate with his Contract with America. He had set himself the task of



Newt Gingrich (1943-)

Gingrich became Speaker of the House of Representatives in January, 1995, following the Republican sweep in both the Senate and the House in the 1994 elections. Indeed, Gingrich played a leading role in wrenching power from the Democrats in the House. His Contract with America both energized the party and led many of the electorate to vote Republican. He did make a vigorous effort to fulfill the promises that had been contracted and made considerable headway in the House, but the Senate was less than fully cooperative, and President Clinton was indisposed to sign much of the legislation which reached him. Since the 1995 surge of activity, his popularity has waned, and he appears to be directionless. His attempt to shift from offense to defense was unsuccessful. Gingrich was born in Pennsylvania, earned degrees from Emory and Tulane, and joined the faculty of West Georgia College shortly before receiving his Ph.D. in history. He was elected to the House, and soon began his climb to the top.

accomplishing in the first hundred days of the 104th Congress something on the order of what had been accomplished by Roosevelt's New Deal in its first hundred days. The House began with a great flurry of activity for fourteen hours from the time it was called to order on January 4, 1995 until it adjourned on January 5. They took as their task that first day of making the House a much leaner and more responsive organization. They voted to abolish 3 committees and 25 subcommittees, and to reduce staff members by about one-third. They limited the terms persons who chaired committees could serve as well as those of the speaker. They also voted to require three-fifth majorities in the House to pass increases in the income tax. These were in-House rules that applied to the manner of doing business in the House.

The first piece of legislation by the new House was passed on January 5, and it provided in general that both houses of Congress would abide by the laws which applied to the general public. The main impact was to extend labor and coverage laws to congressional

employees. (Congress had fallen into the habit of exempting itself and thus its employees from protective legislation.) The Senate passed the bill a few days later, and after some differences in their two versions had been reconciled, the President signed it on January 23.

On January 26, the House acted on yet another plank of the Contract with America—a balanced-budget amendment. It provided that beginning with the fiscal year 2002 Congress would be required to balance the budget, with the exception that three-fifths of the members of each of the houses could override the requirement. The Senate did not, however, get the necessary two-thirds to send the amendment on to the states for their action on it.

The Senate took the lead in passing an Unfunded Mandate bill on January 27, 86-10, and the House followed on February 1, 360-74. This was a very popular bill in state and local government, for it made it much more difficult for Congress to pass legislation requiring state and local governments to provide the funds for congressional programs. On February 6, the House passed another bill promised on the Contract with America permitting Presidents to use the line-item veto. This would allow a President to veto a particular appropriation in an appropriation bill and sign into law the remainder of the bill. Action by two-thirds of both houses could overturn his line-item veto within 20 days.

The House altered an earlier crime bill on February 14. On March 24, the House approved a bill which would reduce welfare over several years. A constitutional amendment to limit terms of members of the House and Senate was a major plank in the Contract with America. Four different versions of a terms limit amendment were introduced in the House in March, but none mustered the two-thirds majorities needed to pass. This was the first failure in the House on anything listed in the Contract.

Even so, House Republicans massed on the steps of the Capitol to celebrate their efforts to pass the Contract with America proposals. Although the House had lived up to its commitments so far as it could, the Senate was straggling, and enthusiasm for the Contract elsewhere was beginning to wane.

Clinton vetoed for the first time legislation passed by Congress on June 7, 1995. The bill had cut more than \$16 billion from earlier

authorized spending. It was his first veto, but not his last, for by the middle of 1995 he was moving into gridlock to protect the welfare state from Republican cuts. He claimed to favor less government himself, but aside from cuts in military spending he had difficulty in thinking of ways to reduce the size of government. The President and the Republicans in Congress were at odds over the budget during the latter part of 1995, leading to shutdowns of part of the government—gridlock in action, so to say.

Clinton's Humanitarian Military

President Clinton inherited a standing army, so to speak, when he took office, as presidents have time out of mind now. Lacking military experience, he has seemed more than a little uncertain what to do with it. He first tried to make a more congenial environment for homosexuals and the like in it. Failing that, he has done what he could to feminize it, to see to it that its officers speak politically correct, and to send it out of the country when any occasion for it arises. When the matter has come up, Mr. Clinton has shown his willingness to work toward disbanding it, or at least move in that direction. For example, when the Defense Base Closure and Realignment Commission proposed on June 27, 1993 to close 33 major military bases, 100 smaller ones, and reduce the size of 45 others, President Clinton approved. Again, on July 13, 1995, when the same Commission recommended that 79 additional military bases be closed and 26 others be consolidated President Clinton accepted that, though he did express regret that so many of the jobs lost were in California and Texas. There were those who concluded that his concern was about the large electoral votes from these states more than about salvaging the military.

However, President Clinton has also shown interest in deploying the military on humanitarian missions, expeditions to make Haiti safe for Aristide's brand of democracy, and at least one large peace-keeping venture. The penchant for humanitarian aid and missions has been increasingly approved over the years by liberal Democrats in Congress, by some intellectuals, and by assorted pundits. And their cup runneth over when our military is sent on humanitarian missions in conjunction with other countries, preferably under the

auspices of the United Nations or some regional body such as NATO.

Indeed, President Clinton inherited such a humanitarian mission along with the standing army when he took office. President Bush had fallen prey to similar ideas and had sent U. S. troops to Somalia in December 1992. Somalia, an African country beset with warring factions, was the scene of hunger and suffering. The disorder and fighting were preventing food and supplies from being brought in. The United Nations Security Council authorized outside military forces to intervene, and American troops took the lead on this United Nations mission. Some 1,800 U. S. Marines arrived at the Somalia capital on December 9th and restored the airport runway so food and supplies could be landed there.

When military humanitarian forces intrude in situations where fighting is going on they are likely to get involved. So they did in Somalia. In early October, 1993, American and other U.N. forces got drawn into battle with Somalia General Farah Aidid, and 21 Americans were killed. President Clinton ordered American forces increased to 20,000. The United States forces were withdrawn from Somalia in March, 1994. No government had yet been set up; a cease fire had been declared by the belligerents. An assortment of good deeds had been done, and some not so good events had taken place. Thirty American troops had been killed, and 175 were wounded. Over 19,000 United Nations peacekeepers were still there when American forces withdrew.

It is not entirely clear what sort of activity Clinton's intervention in Haiti in the late summer and early fall of 1994 was. Clearly, it was military, for American troops were deployed there. There may have been overtones of humanitarian aid, but that was not the announced purpose. It was not exactly a peacekeeping mission, for American forces disturbed such peace as existed on this historically unpeaceful portion of an island. It has more the look of the interventions of Woodrow Wilson in Latin America during the early years of his presidency than anything else in our history. It smacked also of Wilson's determination to give people democracy whether they wanted it or not.

At any rate, here are some of the facts. On February 7, 1991 Jean-Bertrand Aristide, an unfrocked Catholic priest with socialist

inclinations, was elected president of Haiti. He proceeded immediately to push major changes, redistributing land and other wealth, providing health care and the like, and taking control of the army. Unsurprisingly, those who had much wealth were not kindly disposed to government taking and redistributing it. In September, the military mutinied, invaded the National Palace, seized Aristide and deported him to Venezuela, and the government was taken over by a three man junta headed by General Raoul Cedras.

The United States and the Organization of American States protested and placed economic sanctions on Haiti. Tens of thousands of Haitians over the next couple of years loaded on boats, and made for the United States. President Bush was determined that they not be given asylum but were returned to Haiti. President Clinton was more favorably disposed to Haitian immigration at first than Bush had been, but it did not take him very long to change his mind. Instead of encouraging immigration, he decided to restore Aristide to power. It was a course of action much favored by Aristide himself, who had been vigorously lobbying toward that end for sometime.

First, though, Clinton sent former President Jimmy Carter along with Senator Sam Nunn and retired General Colin Powell to negotiate with the junta. He did not trust to their good offices to obtain the desired result, however, for he dispatched American forces on the heels, so to speak, of the committee. On September 19, 3,000 American troops landed at Port-au-Prince, and on September 20, 1,800 landed in Cap-Haitien. They had not been there long before they had trouble with native forces, so the United States force took over the parliament building and began buying the guns of the natives to disarm them. The Haitian parliament worked out a partial amnesty and the military members of the junta resigned and went into exile. On October 15, Aristide returned to Haiti and reclaimed the presidency.

On January 29, 1995, Secretary of Defense William Perry announced that Haiti was safe and secure and that the country was free of all but occasional violence. The UN Security Council authorized the deployment of 6,000 troops to Haiti as peacekeepers. On March 31, the transfer to the United Nations was completed and a goodly portion of American troops returned home. It appeared that Haiti had been made safe for Aristide's variety of democracy.

The United States became increasingly involved in the war in Bosnia in the course of 1995. In conjunction with NATO, American forces engaged in bombing raids. The United States then convened an international conference which produced the Dayton (Ohio) Accords. If they hold up, they are supposed to bring peace between the Serbs and Bosnians. As 1995 drew to a close, Clinton began sending into Bosnia the first of 20,000 U. S. troops promised as peacekeepers there. Forty thousand more are supposed to come from other countries. "Peacekeeping" may be a misnomer for such sizeable force from large countries. It should more aptly be called pacification by large scale intimidation, or something of the sort.

Meanwhile, the military may be getting acclimated to making peace, not war. That should work so long as we encounter only small countries on whom to make peace.

Chapter 11

Developments in General 1995-2000

This chapter will give an overall view of the happenings and occurrences of the five or six years in this period. The other chapters are thematic and deal with one major development throughout. For example, the last chapter will have as its subject the presidential election of 2000.

The beginning point of this chapter will be November 14, 1995 and the ensuing days. There are two reasons for starting in mid-November of 1995. One is that the government shut down operations in mid-November. Although it only lasted for a few days, it was a notable and unusual event. It also marks a change in political fortunes. Our last chapter left President Clinton in a tailspin, to speak figuratively. That is to say, his popularity and following were declining. That changed after mid-November. Mainly, Clinton wrought the change by opposing the efforts of Congress, led by Newt Gingrich, to balance the budget. This led to a shutdown of the government which Clinton blamed on Gingrich and the Republicans. Gingrich took his failure to heart, seemed to be dispirited thereafter, and lost his reformist zeal. He remained as Speaker of the House until the end of 1998 but never recovered his enthusiasm. Clinton, by contrast, regained his drive and popularity.

The particular reason for choosing November 15 is that it was during the government shutdown when Clinton began his affair with the government intern, Monica Lewinsky. Indeed, the Clinton administration had been pockmarked with scandal from beginning to end, but the Lewinsky affair was destined to have the greatest impact of all. Even so, it was nearly two and a half years, well after the affair had ended, before it claimed the attention of people generally. Meanwhile, as one writer has noted, "the President and the First Lady were buffeted by what seemed an unending succession of scandalous allegations, from Hillary R. Clinton's profitable commodities trading to sexual harassment charges filed by Paula Jones." "These matters", he continues, "arose not in a vacuum, but in an environment of bitter

partisan conflict primed by years of seething resentments lingering from past scandals.” (James B. Stewart, *Blood Sport: The President and His Adversaries* [NY: Simon & Schuster, 1996] p. 35.) Whatever the explanation, there were an inordinate spate of scandals during the Clinton years.

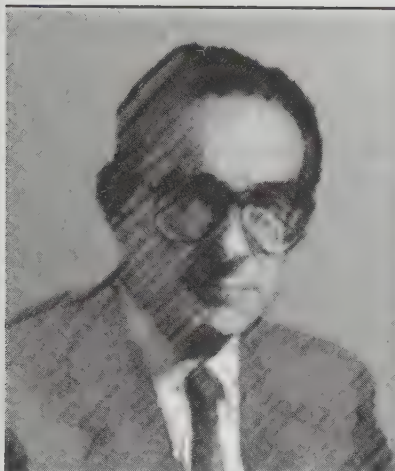
1. Election of 1996

Perhaps the best indication of Clinton’s revived popularity was the vote for him in 1996. He had no serious challengers for the Democratic nomination. Several Republicans entered the race: Pat Buchanan, Dan Quayle, Steve Forbes, Phil Gramm, among others, vying with Robert Dole for the nomination. Dole won the race early in the primaries and became the Republican candidate. H. Ross Perot became the third-party nominee once again, supported by his considerable wealth.

Dole was a lackluster candidate, appeared to not quite believe in himself, and was more than a little uncomfortable with conservatism. His years as minority leader of the Senate had taught him to compromise and follow rather than lead. He lacked both the youth and luster of Clinton. Perot could still attract supporters, but he was less and less believable as a serious candidate.

As for Clinton, he had mastered his own approach. He could still talk on endlessly, but the crowds no longer got restive. Instead, they seemed to take his long speeches in stride, enjoying the visions of utopia he held forth. That his visionary world held no contradictions suited his audiences just fine, and they never seemed to doubt that the circles he could square so easily linguistically could be handled with equal aplomb in the real world.

Clinton got as close to a majority of the votes cast in 1996 as he ever would. He got 45,590,703 votes; Dole received 37,816,307, and Perot got 7,886,284. The House of Representatives now had 227 Republicans to 207 Democrats. The Senate kept the same numbers: 55 Republicans to 45 Democrats, but some of the faces had changed.



Alan Greenspan

Chairman of the Board of Governors of the Federal Reserve System. He has received credit for much of the prosperity and low unemployment of the Clinton years. An idea seems to have taken hold that Greenspan has near magical powers over the economy. Despite the fact that he looks as old as the hill, he was only born in 1926. He received a B.S., M.A., and Ph.D., in economics, all from New York University. He made some acquaintance with free market economics during his college training, and it has not entirely left him, despite his many years in the Federal Bureaucracy.

2. Hidden Inflation and Prosperity

People generally prospered during the Clinton years. Some more than others, of course, which is usually the case. Most people who wanted jobs could find them. Indeed, sometimes employers had difficulty finding workers to fill positions. Unemployment statistics sunk to new lows in many areas. There were many other signs of prosperity as well. The highways were filled with cars; the stadiums were packed with fans at ball games; and an aura of plenty was widespread. So bountiful was the food that there was much concern that children were becoming obese, and much of the population was overweight.

Clinton took occasion to claim credit for this prosperity, as presidents before him have done. Nor should there be any doubt that he did contribute to it. He generally promoted free trade with the rest of the world. He kept Alan Greenspan in charge of the money supply at the Federal Reserve, and that is believed to have contributed to the prosperity. Getting people off the welfare rolls should be attributed to Congress rather than the President. It is also true that prosperity is the result of the joint effort of millions of Americans: inventors, designers, industrialists, investors, transporters, farmers, workmen, all who contribute with their skills and abilities to make goods available. It is not a concerted effort but rather diverse efforts.

Politicians often contribute most as they stay out of the way of those who produce the goods.

The general view is that the Clinton prosperity was accompanied by a low or incidental rate of inflation. That assumption, or view, is not correct. If we accept the common view that the rate is reflected in the prices of certain common products, we could indeed conclude there has been a low rate of inflation. There is, however, an older and firmer view of inflation. It is that inflation is an increase of the money supply. Dr. Greenspan has been inflating, i.e., increasing the money supply. Moreover, a rise in prices has occurred as well. The rise in prices has not been in the select list of commodities, however. One of the most dramatic rises in price during the Clinton years has been in the stock market.

The Dow Jones average has risen from around \$2,000 to \$10-11,000 over the last 10 years. Other indices of the stock market have risen comparably as well. The tuition prices to attend college have risen greatly as well, as have salaries of professors. The incomes of professional sports stars have risen precipitately during this period. Prices of medical services have increased greatly. The rule here is that other things being equal supply and demand determine prices. Inflation means an increase in the supply of money. Where that money will be spent, however, is determined by demand.

3. The Internet

The most revolutionary innovation of the last five years, if not the last fifty years, is the internet. The internet is a contrivance for connecting any and all computers to one another. It exponentially expands the uses of personal computers. Prior to the internet the computer had only limited use in record-keeping and computing. They were most useful to businesses to communicate internally and with other businesses. The internet made a world of information available. It enables those who have computers to communicate with one another by e-mail. Indeed, the things that can be done with a computer and the internet beggar the imagination.

Bill Gates, the founder of Microsoft, after a slow start with his own proprietary MSN Network, emerged early on as the genius of the wide-open internet, providing software, and then replacing it,

and replacing it with faster and ever more efficient software. Soon he was well on the way to being a multi-billionaire. By giving away the Microsoft internet browser software, Gates drew the ire of his competitors who sold their internet browser software, and their jealous complaints to the Justice Department led the Federal Anti-trust division to take Bill Gates's company, Microsoft, to court for being an illegal monopoly. Judge Thomas Penfield Jackson, to almost not one's surprise, found Microsoft guilty and moved to break-up the company. Gates and his attorneys objected vigorously to Judge Jackson's ruling. An appeal was launched to the circuit court, which is where the case now waits.

4. Mergers

The spate of mergers that took place in the 1980s and early nineties slacked off somewhat in the nineties. Even so, large scale mergers have continued to take place from time to time. They do not so much entail manufacturing, railroads, and food companies as they once did. More often they involve banking, department stores, financial institutions, and high tech companies.

A flurry of merger activities took place in the late Summer and Fall of 1995. On July 31, Disney Studios announced that it was buying the ABC television network. On August 1, 1995 Westinghouse Electric Corporation announced it was buying CBS, Inc. On September 22, Time-Warner announced their merger with Turner Broadcasting System. This brought under one umbrella organization Time, Inc. with their various publishing ventures, Warner Brothers movie production, Cable News Network, Home Box Office, Ted Turner's holding of professional ball teams, and a considerable variety of cable outlets. In addition, Chase Manhattan Corp. and Chemical Banking Corp. merged on August 28, 1995. Their combined assets amounted \$297 billion, making them the largest bank in the United States.

On February 5, 1997 Morgan Stanley merged with Dean Witter, Discover and Company to form a financial institution with \$270 billion in assets. And an international merger of carmakers took place when Daimler Benz merged with Chrysler Corporation. In the

same year SBC Communications merged with Ameritech, forming a \$70 million organization.

It should be noted that these mergers usually differ in two ways from earlier mergers. One, they are not conglomerates, that is, they are generally in the same kind of business. And they are congenial mergers, not the result of hostile take-overs. And, as would follow, they do not involve such imaginative financing schemes as some of those in the 1980s. Even so, they did result in less competition, and since they generally involved two or more large companies they resulted in fewer large companies in business.

On July 28, 1998 Bell Atlantic announced they were merging with GTE, which brought together large telephone companies. And on September 30, 1998 Bank of America merged with Nations Bank with \$572 billion in assets. This was a much larger organization than resulted from the merger of Chase Manhattan and Chemical Bank in New York.

In the millennial year 2000, resistance to large mergers began to have an impact. Worldcom, Inc. called off its attempt to acquire the Sprint Corporation. When America Online announced its intention to purchase Time-Warner, government regulators and other critics opposed the transaction. The year did witness some mergers but not on the scale of America Online and Time Warner. Chevron agreed to buy Texaco for \$36 billion in stock. This was announced October 15, 2000. At about the same time General Electric bought Honeywell for \$45 billion. Such transactions no longer even shake the business world.

5. The Signs of the Times

Violence is surely the most prevalent, or at least eye-catching or ear-bending, sign of the times. Movies, television, videos, and music are filled with violence. Even the advertisements on television are often shot-through with violence. In an argument which he supposes to be against capital punishment, Emmet Tyrell explores the prevalence of violence. "In a society that exploits coarseness and violence in the entertainments—even in its advertisements—such niceties as retribution are lost. American society offers up vast areas of violence...for the amusement of sports fans, film goers, and popular

music idiots. Even many television advertisements feature...the average Joe screeching in some fanciful vehicle or flying through a window in pursuit of some flashy product: a new beer! an invincible deodorant.

"In its hype," Tyrell continues, "and its pervasive materialism, all boomed with an adolescent cynicism America does encourage a culture not about life and ebullience but about death and the repugnance." ("Capital Brutality," *American Spectator*, February, 2001, p. 13)

The signs of the times that exemplify violence that are going to be the focus of attention here are those that occur in multiple killings. These are by their nature violent, but they have been frequent over the last five or six years.

On April 1995, a bomb exploded outside a federal office building in Oklahoma City, Oklahoma, killing 169 people and wounding 400 other people. It had the largest number of casualties of any event to be reported here. The bomb was estimated to weigh 5,000 pounds and was left in a truck parked in front of the Alfred P. Murrah Federal Building. The bomb exploded on a Wednesday morning when most of those who used the building would be there. The explosion tore away the face of the 9 story building, damaged a number of surrounding buildings, and left a crater 8 feet deep and 20 feet wide. There was a day care center in the building in which 19 people were killed.

The fact that the building targeted for destruction belonged to the federal government would point toward a conclusion that the persons who set the bomb were anti-government. The fact that this explosion occurred on the second anniversary of the deadly confrontation of the Branch Davidians at Waco, Texas, with federal forces suggests a causal relation between the two events. The fact that the Murrah building had a detachment of the Bureau of Alcohol, Tobacco, and Firearms lent some credence to this suspicion.

Be that as it may, the trail led quickly to two men who were connected to the militia movement in Michigan. They were Timothy McVeigh and Terry Nichols. They had served in the U. S. Army together during Operation Desert Storm. They were traced to the gathering of bombing materials and to visits to look the target over.

They were tried separately, found guilty, though only McVeigh was charged with a capital crime.

The bombing of the federal building had the ingredients of an act of terrorism, though it was not so identified. In fact, all random multiple killings serve to terrorize whether that is their purpose or not. Their randomness means they are unpredictable and that there is no way to take measures not to be caught in one. The terror arises because there is no way to know when and where and on whom the acts will fall.

On April 3, 1996, federal officers seized Theodore Kaczynski, the man suspected and later proved to be the Unabomber. He was suspected of mailing bombs that killed three people and injured twenty-three others. He was opposed to technological developments and launched an irrational campaign against those he identified as malefactors. He had advanced degrees, but those are not proof against mad men.

On September 6, 1996, Dr. Jack Kervorkian attended his fortieth assisted suicide. These were not random killings, but were suicides by willing participants who had asked Dr. Kervorkian to assist. They are, however, signs of the time, ghoulish signs, if you will.

On March 26, 1997, thirty-nine members of Heaven's Gate cult were found dead at Rancho Santa Fe, California. From the look of the remains of the members of the cult, they had committed suicide under the impression that they would go immediately to Heaven. To that end, they had packed their bags, sat them beside their bodies, and committed suicide.

Michael Cerneal was arrested December 1, 1996 for killing three girls and injuring five other students. The students were holding a prayer meeting before school. On March 23, 1998 two boys were arrested for shooting and killing four school-girls and a teacher. This occurred at Westside Middle School in Jonesboro, Arkansas. On May 22, 1998, Kipland Kinkel shot his parents and then went to a nearby school in Springfield, Washington, killed two students and wounded twenty-two others.

But events that went on at Columbine High School at Littleton, Colorado on April 20, 1999, may have overshadowed all others in terrorism and brutality. Two boys, students at Columbine, named

Eric Harris and Dylan Klebold, shot and killed twelve students and one teacher, then committed suicide themselves. In addition to an assortment of firearms, Harris and Klebold had planted thirty propane and pipe bombs around the school. They had so thoroughly shot up the school and terrorized teachers and students that the school was closed for the remainder of the school year.

The killings did not appear to be all at random. The boys were known to bear some animus or hatred against athletes. In a room crowded with students Harris and Klebold asked athletes to stand-up. They may have had no volunteers. They asked two females if they believed in God. When they answered that yes they did, they were shot dead then and there. A black male student who was one of only a few blacks in the school was chosen for shooting, and they accompanied the murder with the use of a racial epithet. On the other hand, one girl who had done nothing more offensive than to crawl under a table for protection was shot dead after either Harris or Klebold had looked under the table and said peek-a-boo.

Harris and Klebold had a penchant for violent games, ideologies, and shady associations. They were said to be obsessed with a video game called Doom, and played it every afternoon. The point of the game was to see which player could get the most kills. They worked together at a pizza parlor, and Harris sold fireworks at a stand. They had been identified at school with the Trenchcoat Mafia, as they were called the jocks, who made fun of them.

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Harris and Klebold ran afoul of the law in January 1998 when they were arrested for breaking into a van and stealing electronics. They had to report to the police once a week and to participate in programs ranging from community service to Mother's Against Drunk Driving to an anger management class. They were also prohibited to own weapons and explosives. Clearly these measures failed to reform them. Both Harris and Klebold became enamored

with Nazi Culture and learned enough German with which to berate their classmates.

To continue this litany of shootings and killings elsewhere, on May 1, 1999, a boy at Conyers, Georgia, shot and wounded six students. In the same vicinity, on July 29, 1991, Mark Barton shot nine people to death in Atlanta, Georgia and then killed himself. He had got taken up with buying stock on line on the internet and became a big loser. Indeed, Barton had killed his wife and two children earlier.

On August 10, Buford Farrow, Jr., opened fire on a children's center in Los Angeles. Three children were wounded. After fleeing that location Farrow shot a letter carrier. On September 15, an even more devastating attack on a religious organization took place. Larry Ashbrook shot seven people to death in a Baptist church in Fort Worth, Texas. Seven others were wounded in this attack.

On November 2, 1991, seven people were shot to death in Honolulu, Hawaii, in a Xerox Corporation office building.

There are, of course, other signs of violence in our times than multiple killings. There are other killings that are of equal or greater concern than multiple killings. For example, there are killings where husbands kill their wives, and where wives kill their husbands. We hear of wives who hire other people to kill their husbands. There are those horrendous murders when children murder one or both of their parents. And where parents murder their children. These are signs of the times. They are troublesome signs.

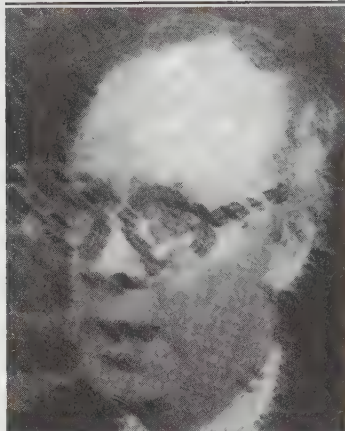
Chapter 12

Impeachment and Trial

From the time when William Jefferson Clinton began his serious run for the presidency until virtually the end of his second term, he was being investigated. Sometimes those around him were also charged with and plagued by rumors and information of wrongdoing. Before he was elected his evasion of the draft was investigated and many facts about it were brought out. The allegations of Genifer Flowers about an affair between her and Clinton became public knowledge. By the time Clinton was elected, the Whitewater Affair began to draw attention. It brought on the first appointment of an Independent Counsel, and led to the investigation of Bill and Hillary Clinton's business entanglement with Jim and Susan McDougal.

On top of the entanglements with the Rose Law firm, Webster Hubbell, and Guaranty Trust—extensions of the Whitewater Affair, was the mysterious death of Vincent Foster, which was quickly ruled a suicide, but which left so many questions hanging fire. Then there was Travelgate, which involved the firing of the long term employees there, and the attempt to replace them with ill-qualified people, and the drummed up evidence used to persecute the former head of the Travel Office. Then there were the FBI files on Republicans which turned up in the White House. Moreover, in 1996 and afterward, there were reports and revelations of illegal fundraising from foreign powers. These were accompanied by tales of renting rooms in the White House to contributors. And there was a string of revelations about the doings of cabinet members and others in high office. These stories have already been told, at least in part, but they provide a necessary lead-in to Clinton's Impeachment and Trial.

Most of the above cases involving the Clintons were looked into by the Independent Counsel, Kenneth Starr, and his staff. In the Whitewater investigation, charges were brought against some of the lesser figures, and some were convicted. But not the Clintons themselves. Nor was Starr ever certain that he had sufficient information to get convictions. The main difficulty was that the President was surrounded by people with convenient memories. They just could not remember the critical details. Plus, the people in the White House



Kenneth Starr

Independent Counsel investigating Whitewater, Travelgate, etc., with the focus on President Clinton's involvements which was where this was supposed to go. Starr was born in 1946 in Vernon, Texas. He earned degrees from George Washington University, Brown, and Duke University School of Law. He moved up the legal ladder rapidly. Reagan named him to the U. S. Court of Appeals in the District of Columbia in 1983. Bush appointed Starr Solicitor General in 1989. He was appointed Independent Counsel to investigate Whitewater, etc., in 1994. For the first two and a half years after that Starr did not get much on Clinton, or so he judged. But he moved rapidly in 1997-98 when the Monica Lewinsky story was unraveled. Thereafter came the referral to the House of Representatives and the impeachment and trial of President Clinton.

obstructed attempts to gather materials, by taking months or years to provide the information requested, and, if it ever came, the crucial parts of it might be missing. In short, the Independent Counsel was frustrated in his efforts to make some of his cases.

The Monica Lewinsky case involving an affair with President Clinton looked promising in early 1998 to Kenneth Starr. The affair had begun in 1995. It encompassed eleven intimate sexual encounters between Lewinsky and Clinton. These had mostly occurred in late 1995 and early 1996 when Lewinsky had been assigned to the White House as an intern. Two of the encounters occurred after she had left the White House. In any case, the affair had substantially ended well before it came to the attention of Starr. Another set of events brought the Independent Counsel into the matter. Paula Corbin Jones alleged that Clinton had made an indecent proposal to her in an Arkansas hotel in 1991. She charged Clinton with sexual harassment in 1994 in United States District Court. Clinton's lawyers appealed the case all the way to the Supreme Court on the grounds that a sitting President could not be sued while he was in office. The Court rejected his plea and sent it back to the District Court for trial. Paula Jones's lawyers compiled a witness list that included Monica Lewinsky which interested Starr. He went to Janet



Monica Lewinsky

Miss Lewinsky had a sexual relationship with President Clinton and in the course of his denials of the liasons he set the stage for his impeachment and trial. At first, Lewinsky denied the relationship but the Independent Counsel came into the possession of information that showed she was guilty. She finally agreed to tell it all, and what she told became the basis of the charges of perjury, subornation of perjury, and the like against him. Clinton apparently left behind him a large number of lies and liars. Lewinsky was 25 years old at last reckoning.

Reno, the Attorney General, and requested that his authority be extended to the Clinton-Lewinsky Affair. She requested permission of the appropriate authority, which responded on January 16, 1998 that the "Independent Counsel shall have jurisdiction and authority to investigate...whether Monica Lewinsky or others suborned perjury, obstructed justice, intimidated witnesses...in the civil case *Jones v. Clinton*." With this as his authority, Starr plunged headlong into the misdeeds surrounding the Clinton-Lewinsky Affair.

1. The Gathering of Evidence

It should be noted at the outset that Clinton resisted testifying or talking about the details of his illicit sexual relations. Moreover, many of his defenders, lawyers and others, objected to the more or less explicit sexual portrayals in testimony. They claimed, too, that the case that was finally built was just about sex. Now it should be insisted that the case was built to reveal instances of perjury, subornation of perjury, obstruction of justice, intimidation of witnesses, and abuse of power. One of the methods Clinton chose to defend himself made it necessary to provide many intimate and explicit sexual details.

Clinton tried to sell a definition of sexual relations which would leave out many things usually included among them. Therefore, it becomes necessary to give specific details that would make it clear that sexual relations took place. They will not usually be included here because the proof has already been made.

Starr began the collection of evidence in early 1998 at the *Jones v. Clinton* trial. President Clinton was deposed under oath and was asked about relations with Monica Lewinsky. He denied that he had a "sexual affair," or "sexual relationship" or "sexual relations" with Monica Lewinsky. At one point he or his lawyer denied that he had sexual relations in any shape form or fashion with Lewinsky. Monica Lewinsky gave a false affidavit in the Jones case, and the Independent Counsel was aware that Vernon Jordan was using his influence to get her a position in New York.

A few days after these events took place, Judge Susan Webber Wright dismissed the Jones case against Clinton. It was later appealed, and Clinton paid Jones off to get her to drop the case. Judge Wright has since held President Clinton in contempt for his answers in her court. As for the testimony or affidavits given by Monica Lewinsky and President Clinton, they were shown to be false.

There followed several months of hard work by the Independent Counsel and his staff. The first breakthrough came with evidence that was collected by Linda Tripp. She had posed as a friend of Monica Lewinsky while she made damaging tape recordings of her. She had a taped record of Monica admitting she gave a false affidavit. Monica also tried to get Linda Tripp to give a false affidavit but Tripp's work was only a beginning for the Independent Counsel. Starr's people were only satisfied when they could get as much evidence as could be uncovered and corroborated by as many other witnesses as possible.

Early on, the Independent Counsel was determined to make Monica Lewinsky a key witness. For that he needed her to testify as fully as she would about her liaisons in the White House. The Independent Counsel had some leverage from the outset with her. He had her on record as having perjured herself in the Paula Jones case. She also had tried to suborn perjury from Linda Tripp. She was at best a very reluctant witness, but Starr had the upper hand for her service to Clinton in the Paula Jones case. The Independent Counsel and Monica Lewinsky entered into a cooperation and immunity agreement on July 28, 1998. She was debriefed for weeks after that and went through several other shorter sessions. For her cooperation in testifying and so long as she testified truly she was to be immune from prosecution on the matters on which she had testified.

The people who interviewed Monica found her very believable. Not only did she give much consistent detail, but she also told many things which did not show her in a good light. Eleven people also confirmed details of her life and relationships about which she had testified. They testified that she had told them about her relationship with President Clinton. They included Dr. Irene Kassorla, her mother, Marcia Lewis, Linda Tripp, and others. The testimony of these people was supported by records they had kept. Also, Monica Lewinsky had kept many documents, such as letters she had written, dates she had circled on her calendar, and computer files, which provided mute support to things that were told.

Monica Lewinsky's numerous visits to the White House were often recorded by guards or clerks. Her calls to the President or his to her can be and have been confirmed by telephone records. Betty Currie, Personal Secretary to the President, made calls for the President and served as an enabler on some of her visits. She also testified about some of these events.

Clinton tried to establish an immunity of the White House employees from testifying about him. He claimed that they were protected by some sort of executive privilege. Each time this was claimed for public employees the Independent Counsel took the matter to court, and, if necessary, to the Supreme Court, and won. Thus, the Secret Service officers who guarded the President and his family could be called and they had to testify. And except for his personal lawyer, other personnel had to testify. Thus, Sidney Blumenthal, Assistant to the President, was called to testify. Erskine Bowles, White House Chief of Staff testified. John Podesta and Bruce Lindsey, Deputy White House Chief of Staff and Deputy White House Counsel respectively were called to testify. Dick Morris, who lost his standing along the way, nonetheless got to testify for the Independent Counsel.

One of the most impressive men with whom the President was associated was Vernon Jordan, a tall impeccably dressed black man, a partner in the New York law firm of Akin, Gump, Strauss, Hauer & Field. The confident manner in which he carries himself bespeaks a man of power and influence. When Lewinsky wanted a job in New York, Clinton turned her over to Vernon Jordan. So it was that he testified before the Independent Counsel. Indeed, he was one of the

star witnesses called on by Judge Starr. His testimony made the key link between Monica Lewinsky's false testimony about Paula Jones and President Clinton. Jordan was undoubtedly a reluctant witness against Clinton, for he was a friend of the President, but he was much too smart to perjure himself. Thus, he provided the link.

By the Summer of 1998, Starr and his staff had amassed a large amount of evidence against Clinton. But thus far Clinton had not testified before the grand jury. He had publicly denied having relations with Lewinsky, of course. Clinton had definitively denied it on January 26, 1998. He said, "I want to say one thing to the American people. I want you to listen to me. I'm going to say this again: I did not have sexual relations with that woman, Miss Lewinsky. I never told anybody to lie, not a single time. Never. These allegations are false." (Starr Report, pp. 404-05) Starr even had some of his denials under oath in the Paula Jones case. Even so, he wanted Clinton questioned under oath before a grand jury. Starr had sent a half dozen invitations for Clinton to appear before the grand jury with no positive response.

Finally, Clinton was subpoenaed to testify before the grand jury, and he did so on the afternoon of August 17, 1998. However, Clinton did not go to the place where the grand jury was sitting. Instead, he was sworn and testified in the White House, and the proceedings were televised and sent by cable to the jury. The President was allowed to make a statement as the testimony began and received kid glove treatment throughout. President Clinton tried to dominate the exchanges with several of the staff of the Independent Counsel. He evaded the questions, obfuscated the questions, parried them, sought to change the subject. Mr. Clinton lied, deceived, and did everything but answer questions directed to him. Even so, those who listened to him in person were convinced that he once again lied and the truth was not in him.

2. The Impeachment

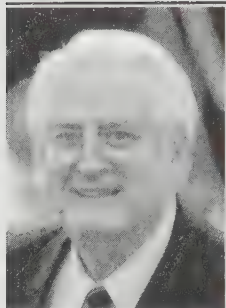
On September 9 the Independent Counsel and his staff loaded materials on trucks and transported them to the United States House of Representatives. Thus he made what are called his referral to Congress. The law requires the Independent Counsel when he con-

cludes he has substantial and credible evidence that may constitute grounds for the impeachment of the President to submit it to Congress. It then becomes the duty of the Congress to consider whether the evidence warrants impeachment. To impeach is to accuse a public official of misconduct before a competent tribunal. An impeachment is the equivalent of an indictment in criminal proceedings. There the body to indict is the grand jury ordinarily. But our Constitution confers on the House of Representatives the authority to impeach a President. The Judiciary Committee of the House prepares the case and makes its recommendation to the whole House. The House then votes and if a majority votes an impeachment it is sent to the Senate for Trial. If the President is found guilty by a vote of at least two-thirds of the members of the Senate, he is removed from office.

Only two Presidents have been impeached by the House of Representatives. They are Andrew Johnson and William Jefferson Clinton. No President has ever been found guilty by trial in the Senate. They were preparing a case against Richard M. Nixon when he resigned. It became moot then. There have been several impeachments and trials of lower government officials.

The House Judiciary Committee was in charge of making the investigation and the final recommendation as to impeachment. The House had a majority of Republicans. Henry J. Hyde was the majority leader on the Committee, and he made many of the decisions within committee. David P. Schippers was hired by Henry Hyde for the judiciary committee initially to help with an oversight investigation of the Justice Department. Schippers was hired in January, 1998. He was a Democrat from Chicago, and had voted twice for Bill Clinton as President. Even so, when the investigation of Bill Clinton began with a view to his possible impeachment, Schippers was kept on to handle the matter. Schippers brought with him a staff of lawyers and investigators from Chicago, and so far as can be told he served the majority on the Judiciary Committee faithfully.

In addition the majority of the Judiciary Committee had Counsel Tom Mooney. And the minority had Counsel Abbe Lowell. Various members of the staffs were responsible for security. According to David Schippers, the Republicans worked long hours to



Henry Hyde

Chairman of the House Judiciary Committee during the impeachment and trial of President Clinton, and managed the presentation of the case against Clinton in the Senate. He graduated from high school in Evenston, Illinois in 1942, from Georgetown University in 1947, and Loyola University School of Law in 1949. Much of the rest of his career has been spent in Congress where he has distinguished himself on such matters as international arms control, terrorism, Communism in Latin America, immigration reform, and drug trafficking.

master the material in the Starr referral. By contrast, most of the Democrats on the committee never examined any of the material.

After the materials had been examined, or mastered, as the case might be, the Judiciary Committee had an extensive public hearing, or debate as it turned out, on what the materials proved. The Democrats on the committee made the point over and over that however improper the President's behavior might have been it did not rise to the level of an impeachable offense. After all, the President had admitted (finally) that he had an improper relationship with Miss Lewinsky; he admitted to having sinned, to having wronged his family, and to an assortment of vague offenses. But none of these rose to the level of being impeachable offenses according to the President and his clique of lawyers and corrupted followers.

If there is one thing that Clinton has taught that portion of Americans ready and willing to be corrupted it is that if you will lie incessantly, deny the truth over and over again, evade the questions of those who would pin you down and be shameless, you can get away with a great many things. It helps, of course, to be surrounded by corrupted minions of the White House, to be surrounded by a slew of lawyers, and to have an Air Force One to take you out of the country at will. It helps, too, to have a servile press and newswriters who will put your spin on every convenient story. Nor does it hurt to have the thousands of employees of CNN to bend stories your way.

No President who preceded him had the astuteness of Clinton in taking the press out of action, if needed. Those who remember the debacle of Richard Nixon may recall the place that the journalists played in this. At his press conferences, the press was loud, disor-

derly, screeching, impertinent, and increasingly shouted harassing questions at Nixon about Watergate. Nixon could barely get a word in edgewise or cling to what was left of his dignity. Clinton probably remembered what happened to Nixon, and as soon as he came directly under fire he ceased to hold press conferences. When he did hold press conferences again, they dealt with particular matters, and he refused to answer wayward questions.

At any rate, it is well to keep these evasive tactics in mind as we wind through the impeachment and trial of Clinton. A vigorous debate between the Republicans and Democrats on the House Judiciary Committee occurred in November and December, 1998. The debates were about whether Bill Clinton had done anything worthy of being impeached or not. One of the arguments advanced by the Democrats was that the Republicans wanted to turn a duly elected President out of office. And all that Clinton was doing was trying to conceal his sex life from his wife and child. The Republicans made answer to this by emphasizing the seriousness of perjury, obstruction of justice, and abuse of power. Perjury is lying under oath, and George Washington could be quoted on the dangers of that. Obstruction of justice is accomplished by placing obstacles in the way of discerning what has happened. So, their arguments and debates went on and on.

The Republicans who stood out in these debates were: Henry Hyde, James Sensenbrenner, Charles T. Canady, Ed Bryant, Bob Barr, Asa Hutchinson, James E. Rogan, and Lindsay Graham. The Republicans generally presented tightly reasoned arguments. The Democrats were more inflammatory in their arguments. However, John Conyers of Michigan was a reasonable and calming voice to counter the more bellicose of Clinton defenders. Maxine Waters was the most given to whining and being raucous. Chuck Schumer irritated with his overbearing unctuous manner. Jerrold Nadler made a lasting impression with his jowly face and obese body, but he was forceful and effective, too.

On December 10, 1998, David Schippers, the Chief Investigative Counsel, gave his summation of his investigation to the House Judiciary Committee. He pointed out that they had looked at materials on other charges than those dealing with Monica Lewinsky. But when it came down to it they did not have time or the permission

from other authorities to make them. So they came back to the referral made by the Independent Counsel. But, as he pointed out, "The real issues are whether the President of the United States testified falsely under oath; whether he engaged in a continuing plot to obstruct justice, to hide evidence, to tamper with witnesses, and to abuse the power of his office in the furtherance of that plot. The ultimate issue is whether the President's conduct was such as to affect adversely the Office of the President by bringing scandal and disrespect upon it and also upon the administration of justice, and whether he ACTED in a manner contrary to his trust as President and subversive to the rule of law and constitutional government." (David P. Schippers, *Sellout: The Inside Story of President Clinton's Impeachment* [Washington: Regnery Publishing, 2000] p. 207)

Mr. Schippers then goes into much detail showing that the President lied time after time, that he evaded answering, that he obstructed justice time and again. After summarizing in considerable detail, the wrongdoings of President Clinton, Mr. Schippers returned once more to the significance of all this, saying, "Apart from all else, the President's illegal actions constitute an attack upon and utter disregard for the truth and for the rule of law. Much worse, they manifest an arrogant disdain not only for the rights of his fellow citizens, but also for the functions and the integrity of the other two co-equal branches of our constitutional system...."

Moreover, "The President mounted a direct assault upon the truth-seeking process which is the very essence and foundation of the Judicial Branch. Not content with that, though, Mr. Clinton renewed his lies, half-truths, and obstruction to this Congress when he filed his answers to the simple request to admit or deny. By so doing, he also demonstrated his lack of respect for the constitutional functions of the Legislative Branch." (Ibid., p. 245).

The Committee was now ready to vote on articles of impeachment. On December 11, they passed the first three articles: Article One which dealt with perjury before the grand jury passed with all the Republicans voting for it and all the Democrats opposing; Article Two, which dealt with perjury in the Paula Jones case with all the Republicans voting for it except Lindsey Graham of South Carolina and all Democrats opposing; and Article 3 which dealt with obstruction of Justice with all Republicans for and Democrats against. On



Lindsay Graham

A Republican, member of the Judiciary Committee, which voted to impeach Clinton, and one of the House Managers who presented the case to the Senate. Graham was born in 1955, and received his college degrees from the University of South Carolina. Congressman Graham is a persuasive speaker and an earnest advocate of causes. He was the first Republican to represent his district in South Carolina since Reconstruction days. He was first elected to the House of Representatives in 1994 and is now in his fourth term.

December 12, Article 4 which dealt with abuse of power passed with all Republicans voting for it and Democrats against. Not a single Democrat had broken party ranks to vote for any of the Articles.

Everything was in readiness now for taking the Articles of Impeachment to the whole House. It should be noted that Newt Gingrich had now resigned as Speaker of the House and indicated that he would resign from Congress at the end of the year. Bob Livingston of Louisiana had been elected as the new Speaker. However, he was shortly replaced by Dennis Hastert because his womanizing was made public. While they were preparing for the presentation of the Articles, it was announced that Clinton had ordered the bombing of Iraq. This was almost certainly a move by Clinton to break the rhythm of the House toward impeachment. However, it only momentarily called a halt to that.

On December 19, 1998, the Articles came before the House for consideration. Article One was passed. Article Two was rejected. Article Three was approved, and Article Four was turned down. Two articles had been passed by the House. William Jefferson Clinton had been impeached. The first President since Andrew Johnson suffered the ignominy of impeachment. Now the matter went to trial.

3. The Trial of President Clinton

The Constitution is brief and concise in granting the powers of impeachment. Of the powers of the House, it says simply: "The House of Representatives shall choose their Speaker; and shall have

the sole power of impeachment.” It goes on a little more fully about the Senate’s powers in the trial of impeachments:

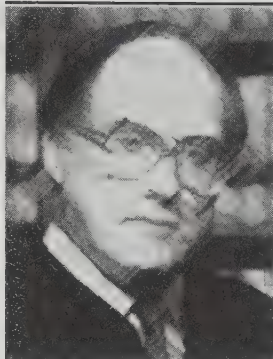
“The Senate shall have sole power to try all Impeachments. When sitting for that purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgement in cases of Impeachment shall not extend further than to removal from Office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States....”

It is true that the sole power of impeachment is vested in the House of Representatives. But they have come to rely on aid from outside sources, such as an Independent Counsel, in this case. Moreover by law, managers, chosen from the house present the case to the Senate. Of course, the Chief Justice of the Supreme Court represents the other branch of government at the Trial. At any rate, it is more of a cooperative venture than it may have sounded by reading the words of the Constitution.

Before the Trial began, there was a good deal of jockeying between the House and Senate. There may be some covert feelings that the House is inferior to the Senate or that the Senate is superior to the House. Be that as it may, there should be no doubt that the House managers have a much better opportunity to display their intellectual and forensic abilities than do the Senators. After all, the Senators must be absolutely quiet during most of the trial, while they are being yacked at by the House managers and the paid lawyers for the President.

What brought this on was that Senator Lott, the Majority Leader of the Senate, asked to meet with the House managers, and he made the asinine proposal that the managers should be given a day to present their case, and the President’s lawyers a like amount of time. The managers were in rebellion at the idea. Then when Lott gathered several Republican and Democratic Senators to accompany him to the House the next day, they were still bent on cutting down the amount of time for the Trial. The Democrats were, of course, in favor of giving as little time as possible for the presentation of the



Chief Justice William Rehnquist

Chief Justice of the Supreme Court of the U. S., presided over the Senate trial of President Clinton, and wrote the deciding opinion in Gore vs. Bush. Rehnquist was born in 1924, received his law degree from Stanford, and was clerk for Justice Robert Jackson. He went into private practice in Phoenix where he became involved in Republican politics, and was named to Supreme Court in 1971. He distinguished himself as a conservative, and was appointed Chief Justice by Ronald Reagan in 1986. If and when there is a conservative majority for a position, he is usually among them.

case against Clinton. But the Republican Senators seemed to be of the same persuasion. When they came right down to it, though, the Democrats were unalterably opposed to having live witnesses. The Republicans were only a little more enthusiastic. The Senators had their way about live witnesses. A compromise was worked out where the audios of the testimony of a few witnesses were presented.

As for the length of the trial, compromises prevailed there as well. The Trial went on at some length—from January 14 through February 12, 1999.

The trial is a solemn and impressive spectacle. It is held in the Senate, and as the Constitution prescribes, it is presided over by the Chief Justice. As a part of the opening ceremonies, Chief Justice William Rehnquist was met at the entrance by a committee of Senators to guide him to his seat. Then each morning during the trial, Mr. Rehnquist announces the Chaplain will offer a prayer. After which, he announces, “The Sergeant at Arms will make the Proclamation,” which he does in these words:

“Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the Articles of Impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.”

Thus the trial proceeds in absolute silence except for the occasional breaks during the day. There was one person missing from the trial. It was William Jefferson Clinton. This was almost certainly a

mistake, for his presence should have been required, his presence minus the fanfare that accompanies the President on most public occasions. In fact, there is much to be said for at least temporarily removing him from the office with all its perks once he has been impeached by the House.

The President took full advantage of his office during his trial. He had a stable of airplanes, helicopters, automobiles, and means of communication at his beck and call. He had a huge staff still at his command, and he was still Commander-in-Chief of the Armed Forces of the United States as well as the considerable police power at his command. Moreover, as long as he was free and in control of the White House, he could use his position to continue the propaganda efforts against his opponents.

However that might have been and wasn't, the prosecution of Clinton was in the hands of House Managers from the House Judiciary Committee. They were all Republicans, but they were assisted by David Schippers who was a Democrat. Henry Hyde, Representative from Illinois, presented the Managers to the Senate and explained what part they would play on January 14, 1999. He began with Jim Sensenbrenner, representing Wisconsin, who has served twenty years on the Judiciary Committee, and was a House Manager in the trial of Judge Walter L. Nixon. Sensenbrenner was charged with presenting the relevant facts of the case.

Representative Ed Bryant of Tennessee had a variety of accomplishments before he was elected to Congress. He was a district attorney in Tennessee, a captain in the Army, in the Judge Advocate General Corps, and taught at West Point in the military academy. As a House Manager he was assigned to fill in the background to Clinton's illegal activity.

Representative Asa Hutchinson of Arkansas was a former United States Attorney in the Western District of Arkansas. His assignment was to present the factual basis of the charges of obstruction of justice in Article II. Representative Jim Rogan of California was formerly a state judge and a Deputy District Attorney of Los Angeles County. He was assigned to present the factual basis for the grand jury perjury charges of Article I. Representative Bill McCollum of Florida was a Naval Reserve Commander, a member of the Judge Advocate General Corps, and in the House, the Chair-

man of the Subcommittee on Crime. He was assigned to tie all the facts together and sum up the case.

The above were to be followed by a team of the managers who were to present the legal basis of the articles of impeachment. These presentations will emphasize the degree of criminality the articles of impeachment are. This team includes Representative George Gekas of Pennsylvania, Chairman of the Subcommittee on Commercial and Administrative Law. Gekas is a former assistant district attorney, and served earlier as a manager in the impeachment trial of Judge Alcee Hastings. Representative Steve Chabot of Ohio serves on the Subcommittee on Crime, and is an experienced criminal lawyer. Representative Bob Barr is a former District Attorney in northern Georgia with a specialty in public corruption. Representative Chris Cannon of Utah had experience as a practicing attorney.

Following these presentations, the three other managers were to deal with the constitutionality of this impeachment trial. The main issue is whether perjury and obstruction of justice are such crimes as fit into the other crimes and misdemeanors of the Constitution. Neither perjury nor obstruction of justice were named in the Constitution. The managers worked diligently in their attempt to prove that they qualify for removal from office. Representative Charles Canady of Florida is Chairman of the Subcommittee on the Constitution. Representative Steve Buyer of Indiana was a member of the Judge Advocate General Corps during his service in the Army. Representative Lindsey Graham of South Carolina served in the Air Force as a member of the Judge Advocate General's Corps and an assistant attorney in South Carolina.

The House Managers were allotted 24 hours to present their case before the Senate. The President was likewise defended by a formidable battery of lawyers who were allotted 24 hours initially to present their side. Among these lawyers were: David Kendall, who spoke frequently and energetically in defense of the President, Nicole K. Seligman, Charles F. C. Ruff, who was the chief lawyer in defending the President though he was confined to a wheelchair, Gregory B. Craig, Bruce R. Lindsey, and Cheryl D. Mills.

The President and his lawyers acting for him denied the charges made in Articles I and II of the Impeachment. They denied the charges individually and severally. In a letter written by hand, David

E. Kendall said this on November 27, 1998: "I want to emphasize again the point I made...more than two months ago: the President did *not* commit or suborn perjury, tamper with witnesses, obstruct justice or abuse power." (*Proceedings of the United States Senate in the Impeachment Trial of William Jefferson Clinton* [Washington: U. S. Government Printing Office, 2000], p. 893).

In addition to the denials these lawyers advance other reasons why the Senate should not convict Clinton. They charge that the offenses alleged do not meet the standard for high crimes and misdemeanors, that the charges are vague, that the charges are complex, that several charges will be bundled together and include compound charges in a single violation, and so on with a considerable litany of failings. Throughout the impeachment and trial, the Democrats held up the objection that the Republicans wished to overturn an election and replace the President. This approach has special meanings for many Democrats because they attribute some magic virtue to voting and election. In any case it is both true and irrelevant that the results of an election would be changed. In the first place, the Vice-President would replace the President, and he would also be the product of election. Members of the House and Senate too have been elected, and they could give that prestige to an action.

In any case, it is time that some attention be given to the arguments of the House Managers. It should be noticed that the Managers gave a great deal more attention to the principles that have vitalized America over the years. One of those principles is that no man is above the law. Some of the defenders of the President suggested that we should have a higher standard for presidents than for judges, for instance. But to yield to that way of thinking is to accept an inequality before the law. Manager McCollum attacked the notion that the President should be held to a different standard than other persons. The situation that obtains generally is this, he says: "No military officer, no Cabinet official, no judge, no CEO of a major corporation, no president of a university, no principal of a public school in this Nation would remain in office, no matter how popular they were, if they committed perjury and obstruction of justice." He is arguing that it would work great mischief in our system if we treated the President as if he is above the law simply because he was elected and is popular. In the final analysis, Manager McCollum

said, "William Jefferson Clinton is not a king; he is our President. You have the power and duty to remove him from office for high crimes and misdemeanors." (*Ibid.*, p. 1929.)

Several of the House Managers focused upon the sanctity of oaths. One of them said that campaigns and elections do not make a man President. He does not become President, this manager pointed out, until he takes the oath of office. And from that oath flows the duty of the President to faithfully execute the office of President.

In the Manager's speeches, there was much harking back to the words of our Constitution and to the commands of our Constitution. They insisted throughout that the Constitution knows no language but impeachment and trial, and that there is but one vote to be taken at the end, it is the yeas and nays for conviction or acquittal. Note Manager Canady's appeal to the Constitution when he said:

Those who established our Constitution would have understood the seriousness of the misconduct of William Jefferson Clinton. They would have understood that it was the President who has shown contempt for the Constitution, not the Managers from the House of Representatives. They would have understood the seriousness of the example of lawlessness he has set. They would have understood the seriousness of the contempt the President's conduct has caused. They would have understood the seriousness of the damage the President has done to the integrity of his high office. Those wise statesmen who established our form of government would have understood the seriousness of the harm President Clinton has done to the cause of justice and constitutional government. They would have understood that a President who does such things should not remain in office with his crimes. (*Ibid.*, pp. 1933-34).

There was a great deal of emphasis, too, upon the importance of truth telling and the truth. And, of course, there was emphasis upon telling the truth under oath since the President was charged with perjury, which is failure to tell the truth under oath. The opposite of

the truth is a lie. The Managers did not back away from saying that Clinton lied, and lied repeatedly. Surely it was a difficult thing to say that the President was a liar. Yet they boldly proclaimed it. For example, Manager Graham, said as if he is advising the President: "Don't fabricate stories in front of a grand jury, don't parse words, don't mislead, don't lie...." (*Ibid.*, p. 1949).

Here and there in the speeches of the House Managers they got to the essence of the matters they were dealing with. We can deal first with Manager Bryant's introduction of the case against Clinton in Article II, Obstruction of Justice. "These acts of obstruction included attempts to improperly influence a witness in a civil rights case—that is, Monica Lewinsky—the procurement and filing of a false affidavit in the case; unlawful attempts to influence the testimony of a key witness, Betty Currie; the willful concealment of evidence under subpoena in that case, which are the gifts of December 28; and illegally influencing the testimony of witnesses—that is, the aides who testified before the grand jury of the United States." (*Ibid.*, p. 1039.)

On February 4, 1999 Sidney Blumenthal, an aide to the President, gave a deposition, in which he was questioned by Jim Rogan and Lindsey Graham. Much of this had to do with the President's deceptions in his testimony before the grand jury and other strategies whether cover-ups or deceptions. Blumenthal referred to strategy meetings that the President held with his staff. He said these meetings usually occurred around 8:30 in the morning and around 6:30 in the evenings. These meetings usually consisted of President Clinton, Charles Ruff, White House Counsel, Lanny Breuer, White House Counsel John Podesta, Deputy Chief of Staff, Rahm Emanuel, Senior Advisor, Paul Begala, Counselor, Jim Kennedy, Legal Counsel Office, Mike McCurry, Press Secretary, Joe Lockhart, Deputy Press Secretary Ann Lewis, Director of Communications, Adam Goldberg, Assistant Legal Counsel Office, and Don Goldberg, Legislative Affairs. These strategy meetings began in January 1998 and apparently continued for months. Blumenthal said these meetings dealt with the political, legal, and media impact of scandals and how to deal with them. According to Blumenthal they dealt almost exclusively with Monica Lewinsky but spread to cover other scandals in time.

Whether this was connected with the strategy Blumenthal said the First Lady had told him what must have been a cover-up story for Lewinsky and others. He said that he told the President earlier in the day that she told him the “the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of religious conviction and that was part of...his nature.” According to Blumenthal, Hillary Clinton also said she thought the attacks on her husband were politically motivated. In sum, she seemed to be making a none too subtle effort to turn the attack on his enemies. That was her M. O. for much of the time. (*Ibid.*, 1780)

Finally, here is a summary of the legal case as it took shape against President Clinton. It harked back to the year before Clinton became President, but the case involving Paula Jones entered the court system on May 27, 1997, when the Supreme Court ruled that Ms. Jones could pursue her suit through the courts even though Clinton was President. On December 11, 1997 Judge Susan Webber Wright ordered Clinton to provide answers to various questions. Clinton took measures to see that truthful answers were not provided. On December 17, 1997, Clinton encouraged a witness to file a false affidavit with the Court and to testify falsely if she were called to testify. On December 23, 1997, Clinton provided false written answers to her questions. On December 18, 1997 Clinton persuaded Monica Lewinsky to conceal evidence and intensified efforts to get her a job. On January 17, 1998, Clinton gave false answers to Ms. Jones’ questions. During this period he twice coached his secretary, Betty Currie, with false answers to crucial questions. As House Manager Buyer said: “All of these unlawful actions denied Ms. Jones her rights as a litigant, subverted the fundamental truth-seeking function of the U. S. District Court for the Eastern District of Arkansas, and violated President Clinton’s constitutional oath to ‘preserve, protect, and defend the Constitution of the United States.’ And, further it violated his constitutional duty to ‘take care that the laws be faithfully executed.’”

Meanwhile, a grand jury had been empaneled to aid the Independent Counsel. Clinton made misleading and untruthful statements in the hope that those who heard them would testify before the grand jury. On August 17, 1998, he testified by video to the grand jury, and

provided much false and misleading testimony to the grand jury. "These actions impeded the grand jury's investigation; it subverted the fundamental truth seeking function of the U. S. District Court for the District of Columbia...." (*Ibid.*, pp. 1145-46)

4. The Trial Moves to Conclusion

The trial did not always move toward conclusion as speedily and smoothly as Trent Lott, the Majority Leader of the senate and Tom Daschle, the Minority Leader, planned. If they had, the business of the Senate could have been taken care of by Lott's announcement of the schedule from time to time, making a motion for its adoption, and the Chief Justice's announcement, "without objection it is so ordered." But objections did come on several occasions, and they led to greater or lesser disruptions. The main disruption that occurred grew out of attempts by some to have all the discussions of a general nature having to do with the trial to take place in public. The open sessions of the Senate were telecast on CNN, which had a proprietary interest in having all debates telecast.

Tom Harking and Paul Wellstone took the leadership on the floor of the Senate in presenting the motions for having open debate among Senators on questions. The matter first came to a head on Senator Robert Byrd's motion to dismiss the suit without further discussion or delay. The motion to suspend the rules made by Senator Harkin was defeated 57-43. The motion to dismiss the suit against Clinton by Senator Byrd was defeated 56-44.



Trent Lott

Majority Leader of the Senate, oversaw the unsuccessful trial of President Clinton, is now in his third term in the Senate and second term as Majority Leader. Lott was born in 1941, received degrees from University of Mississippi, and began his career in politics as an administrative assistant. He ran for and was elected to the House of Representatives in 1972. Lott was re-elected each term until he ran for and was elected to the Senate in 1988. He is Republican and conservative, but also cautious in wielding the power of his office.

The next matter to come before the Senate that would involve Senatorial debate was the proposal of the House Managers to have witnesses to testify. The Managers had reduced their request to three witnesses: Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal. The motion was made by Senator Harkin that the rules be suspended so that the Senate debate should be public. It was defeated 58-41. Following this vote there were several votes in the Senate about the taking of depositions and the hearing of witnesses. The Senate rejected the appearances of any witnesses to present live testimony before the Senate. It permitted the use of video taped excerpts if transcribed to be used by the House Managers and President's counsel.

All else having been concluded except for the final vote and a few other ceremonies, the Senate closed its doors and went into a secret session to make their deliberations. There were to the end attempts to suspend the rules and hold these deliberations public. They might as well have held them in public for as soon as the vote was held, whatever that wanted printed was made a part of the record. It required 533 pages to contain the thoughts of our Senators, much of it in fine print. Probably a goodly number of these words were not spoken, and were not even the words of the Senator to whom they are assigned. Still some of them have a particular eloquence, bespeak the sincerity of their authors or are otherwise memorable. Thus, the following quotations from them:

Senator Herb Kohl voted to acquit Clinton on both of the Articles. Yet, he wrote, "I state these conclusions with a certainty I do not feel. We have heard many say these votes are the most difficult they will ever cast, and I agree. This case is made up of many small questions, matters of opinion and fact: Did the President lie? Did he commit perjury? Did he obstruct justice? Did he weaken the judicial system? Did he undermine the Constitution? Are these 'high crimes'? Is this what the founders envisioned when they talked about removal of a President?" (*Proceedings of the United States Senate in the Impeachment Trial of President William Jefferson Clinton*, Volume II, p. 2759.)

Senator Sam Brownback voted to convict and remove Clinton for these eloquently expressed reasons:

This is a sad chapter in our Nation's long and illustrious history. A man of extraordinary talent took a mistake and turned it into a tragedy. William Jefferson Clinton is no ordinary man. Gifted and charismatic, brilliant and refined, he took raw ability and focus and turned it into a Presidency. Such is the stuff of story books and heroes. Sadly for this tale, the hero had a habit he would not break, and when it called him back to darkness, he sought to hide it at all cost. And there the tragedy occurred.

President Clinton chose to lie and obstruct justice rather than tell the truth and comply with court orders throughout this ordeal. By his words and deeds he chose to place himself above the law. By his words and deeds he has undermined the rule of law in America to the great harm of this Nation. By his words and deeds, he has undermined the truth-finding function of the judiciary, at great harm to that branch of our government. By his words and deeds, he had done great harm to the notions of honesty and integrity that form the underpinnings of this great republic. (*Ibid.*, p. 2905.)

Senator Frank H. Murkowski voted to convict and remove the President and a few excerpts from what he said tells us why:

What has been happening not just here in Washington, but all around the country, is something far more disturbing than the trial of a President. What we have been witnessing is a contest for the very moral soul of the United States of America—and that the great casualty so far of the national scandal is the notion of truth.

Truth has been shown to be an elastic commodity....

I believe the President should be removed from office not because he engaged in irresponsible, reckless, and reprehensible conduct in the Oval Office

with a White House intern. He should be removed from office because he engaged in conduct designed to undermine the foundation, the very bedrock, of the concept of due process of law and , by extension, the very notion of the rule of law. (*Ibid.*, p. 2978.)

Senator Robert C. Byrd voted not guilty on both Articles with which the President was charged. Yet some of what he wrote sounds as if he were grieving for America:

Soon we will vote and, hopefully, end this nighttime for the Nation. Like so many Americans, I have been deeply torn on the matter of impeachment. I have been angry at the President, sickened that his behavior hurt us all and led to this spectacle. I am sad for all the actors in this national tragedy. His family and even the loyal people around him whom he betrayed—all have been hurt. All of the institutions of government—the Presidency, the House of Representatives, the Senate, the system of justice and law, yes even the media—all have been damaged by this unhappy and sorry chapter in our Nation's history. (*Ibid.*, p. 2981.)

Senator James N. Inhofe voted to convict President Clinton and to remove him from office. He gives his reasons for doing so briefly and succinctly:

I find the President guilty as charged of high crimes and misdemeanors: lying under oath and obstructing justice....

Similar conduct by others results in consequences: perjurers, witness tamperers and obstructors of justice go to jail; supervisors lose their jobs; military officers are court martialed, imprisoned or forced out of the Armed Forces; judges are impeached and removed from office. Shall we embrace a lower standard for this President under these circumstances? I think not. I believe that the President of the United

States should be held to the very highest of standards.
(*Ibid.*, p. 2989.)

Senator Mike Enzi said a home truth with remarkable brevity when he pronounced these two sentences: "While we may have a country doing well economically, we are heading toward moral bankruptcy if the trend is not reversed. We are becoming 'demoralized.'" (*Ibid.* p. 3063)

And in conclusion of these excerpts, Senator Jeff Sessions left us with these remarks in explaining his vote to convict the President: "I believe truth is a serious thing. Truth is real.... This is, in my view, a created universe and we have a moral order and when we deny the truth we violate the moral order and bad things happen. Truth is one of the highest ideals of Western civilization.... As Senator Kyl said, you will never have justice in a court of law if people don't tell the truth." (*Ibid.* p. 3063)

Except for a few ceremonial tasks, the only thing remaining to be done in the Trial was the vote. This followed a prescribed pattern. There would be a roll call. Each person would stand by his desk. When his or her name was called, he would say "guilty" or "not guilty." Since there were two articles to be voted on they would go through this ritual twice. Two-thirds of the Senators must vote guilty for a guilty verdict.

On the vote on Article I, forty-five members voted guilty, and fifty-five voted not guilty. As Chief Justice Rehnquist phrased the result: "Two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that the respondent, William Jefferson Clinton, President of the United States, is not guilty as charged in the first article of impeachment. The vote on Article II, fifty members voted guilty and 50 not guilty, and Chief Justice Rehnquist made a similar pronouncement about it.

The Chair then directed that the following judgement be entered on the record:

The Senate having tried William Jefferson Clinton, President of the United States, upon two articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Sena-

tors present not having found him guilty of the charges contained therein: it is, therefore, ordered and adjudged that the said William Jefferson Clinton be, and he is hereby acquitted of the charges in the said articles.

Senator Diane Feinstein of California had been active for much of the time in trying to get the Senate to approve the censure of President Clinton. She had originally sought to substitute the censure for the articles of impeachment. That never received a favorable vote. Finally, when the articles of impeachment had been voted on and failed of passage she made one other attempt to suspend the rules and get a vote on the measure. When that failed, she simply entered her censure in the Congressional Record.

There were thirty-six co-sponsors of the Feinstein censure. They were mostly people who voted not guilty and find that they want to send a further message to Clinton. She says, for example, that "While the President's actions do not constitute a fundamental threat to the nation, neither were they at all acceptable. The President's conduct was both willful and wrong; clearly, by any standard, his behavior is indefensible. These actions demeaned the Office of the President, violated the trust of the American people, and brought shame and dishonor upon Clinton." (*Ibid.*, Vol. II, p. 2005.)

Even so, it would have been much less effective than the Impeachment, which hardly fazed Clinton.

Chapter 13

The Clinton Assault on the Rule of Law

By its name, it may appear that this chapter is a continuation of the last one. In a very limited sense it is. The story of the impeachment and trial of Clinton did entail charges from time to time that Clinton's behavior was undermining the rule of law. More pointedly, there were discussions that if the President were allowed to get away with perjury, for example, that would undermine the rule of law. In this limited sense, Chapter 13 does continue a theme taken up in Chapter 12.

But it takes up the rule of law much more comprehensively, covers facets of his administration during eight years, and includes topics ranging from executive orders to foreign policy and affairs. In sum, it covers many aspects of Clinton's governance during both of his terms as President. Even so, it has a theme; the theme is that Clinton made assaults on the rule of law. They were not always or even usually frontal assaults. Nor did he avow them as assaults nor publicly notice them as assaults. Instead, he talked most often about great ends that would be accomplished and the many good things that Americans would obtain.

It takes analysis and some discernment to realize that what he described as great benefits carried with them a heavy burden of cost in lost protections and rights. Some writers say that Clinton played fast and loose with institutions, that he shunted the Constitution aside when it got in his way, that he sometimes sought his own ends and pleasures without regard to the public damage. To see this we must examine the nature and character of the rule of law.

1. The Rule of Law

The rule of law requires, first of all, an established constituted or constitutional government. Ideally, it has a written constitution, as does the United States government and as do the state governments. It may describe the way and manner of the appointment or election

of those who serve in government, and in so doing it establishes the authority of those who govern. For example, the United States Constitution says, "The executive power shall be vested in a President of the United States of America. He shall hold the Office during the Term of four years, and, together with the Vice-President, chosen for the same Term..."

The Constitution goes on to describe how they are to be elected, what their qualifications for office are, how the President shall be compensated, and what his duties and powers shall be. Indeed, the Constitution describes how the members of the House of Representatives shall be chosen, as well as the Senate, and how appointments shall be made of other officers under what safeguards. Moreover, the Constitution says that "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

But the most important thing for the rule of law, the powers to be exercised are enumerated and those not enumerated are reserved to the States or to the people. That means that so long as the Constitution is observed the United States has a limited general government. The State governments too are limited, not only by their own Constitutions but also by prohibitions on them in the United States Constitution. The Constitutions are basically the law for government. They provide the authority for those who govern, grant the powers that they exercise, set limits on government powers, provide for their regularity and continuity, and for the establishment of the rule of law.

A government of laws as it applies to the general populace means they must be standing laws. This means that no act may be the subject of an arrest, may be the occasion of trial, may be the cause of jailing or imprisonment, or may occasion deprivation of liberty unless it be done pursuant to a pre-existing law. In sum, punishment by government must be based upon the allegation of violation of some pre-existing law or rule. More broadly, "By limiting *in principle* the legitimate authority of those who wield the power of the state, the rule of law secures to all citizens the promise that law itself will exhibit qualities of regularity, certainty, transparency, predictability, evenhandedness, and equal impersonal treatment according to known general rules and without regard to status, rank,

or political persuasion.” (Lilian R. BeVier, “Civilization, Progress and the Rule of Law, “ in Roger Pilon, ed., *The Rule of Law in the Wake of Clinton* [Washington: Cato Institute, 2000], p. 20.)

The most general opposition to a government of law comes in America from relativists. They are opposed to the fixity of laws and any claims that may be made to absolute truth. Radical believers in democracy prefer the shifting majorities to more stable and harder to change laws. Of course, tyrants of all time oppose the rule of law. In the 20th Century, assorted dictators have opposed and supplanted the rule of law. Totalitarians wherever they have come to power displaced rule by law if it existed. Lyman Garber noted in his book on the subject that the founders took into account both the need for personal liberty and strong government “when they created a national government with limited powers curtailed by specific restrictions—the right to habeas corpus, bail, trial by jury, prohibition of Bills of Attainder, and ex post facto laws. Promptly after the United States of America was established, at its first session, Congress proposed twelve amendments to the Constitution. Ten of these that came to be known as the Bill of Rights, were adopted by the States as more definite protection for the States and their citizens against the National Government.” (Lyman Garber, *Of Men and not of Law* [New York: Devin-Adair, 1966], p. 165.)

As noted at the beginning of this chapter, some of the evidence of Clinton’s disdain for the rule of law has already been covered in the coverage of the trial on impeachment charges. But the most immediately applicable example of these were not mentioned. They were discussed by the first two speakers for the House Managers. Henry Hyde referred to the rule of law when he addressed Chief Justice Rehnquist. “We’re here,” he said, “as advocates for the rule of law, for equal justice under the law and for the sanctity of the oath.”

He was followed by House Manager James Sensenbrenner. He opened with a quote from President Theodore Roosevelt: “No man is above the law and no man is below it.” He followed this with an indictment of Clinton in these terms:

We are here today because President William Jefferson Clinton decided to put himself above the

law—not once, not twice, but repeatedly. He put himself in a scheme to obstruct justice during the ...case of Paula Corbin Jones versus William Jefferson Clinton, *et. al.* He put himself above the law when he made perjurious, false and misleading statements under oath during his grand jury testimony on August 17, 1998. In both instances, he unlawfully attempted to prevent the judicial branch of Government...from performing its constitutional duty to administer equal justice under the law.” (*Proceedings of the United States Senate in the Impeachment Trial of William Jefferson Clinton*, vol. II, p. 1009.)

A writer in a current book has a chapter on how Clinton has ignored constitutional limits on his power. He concludes at the outset that in his programs and policies Clinton has frequently ignored limits on his power. Those limits, he says, are essential to the rule of law. “Yet Mr. Clinton has repeatedly acted as if the Constitution were an empty vessel to be filled by his policies and programs. “ He says further that “both in Congress and in the courts, he has shown an utter disregard for the limits the Constitution sets on federal power, an utter indifference to the rule of law imposed by our founding document.” (Roger Pilon, “Ignoring Constitutional Limits,” in Pilon, *op. cit.*, pp. 27, 29)

Yet with the exception of the adjective “utter,” this could be said of every President from Franklin D. Roosevelt to the present, as the writer himself admits. Except for the hyperbole used in describing his proposals in the state of the Union addresses and his resolute determination to square the circle by overcoming all objections by ignoring them, Clinton is much like his recent predecessors.

Thus, we will pass on from his programs and policies and turn instead to matters in which Clinton is more distinct from those who came before him.

2. Executive Orders

There is no mention of the executive order as such in the Constitution. The phrase, executive power, does occur in Article II, but it

is more descriptive of the hallmark of his position than of any particular power he can exercise. Nor does the President have any authority from the Constitution to make any laws. He does have the power to make treaties "by and with the Advice and Consent of the Senate, provided two-thirds of the Senators present concur...." He can also appoint assorted ambassadors, consuls, judges and the like with the advice and consent of the Senate. He may fill vacancies which occur while the senate is in recess by issuing commissions which expire at the end of their next session. The President is Commander-in-Chief of the armed forces and of the national guard when they are called into the service of the United States.

The nearest the President comes to legislating occurs when "He shall from time to time give Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient...." Otherwise, all bills containing legislation shall be sent for his approval before they become law. If he disapproves of a bill he may return it to Congress along with his objections. If the bill is then passed by two-thirds majority in each of the houses it can become a law. If the President does not return a bill within ten days, Sundays excepted, of its being sent to him, it becomes a law. In like manner, every order, resolution or vote to which the Senate and House concur must receive the approval of the President or be returned with his veto to be acted on by them. Otherwise, it is the duty of the President to see "that the Laws be faithfully executed."

The above is necessary to make clear that there is no authority in the Constitution for the President to legislate on his own initiative. While Presidents from time and occasionally ventured into the realm of legislating, it did not become anything like commonplace until World War II. Franklin D. Roosevelt invented a kind of legislation which was dubbed "executive order." In fact, he issued 3,522 executive orders, a feat which has not been exceeded since then. President Clinton issued 324 executive orders as of June, 2000. What his executive orders lacked in numbers they more than made up for in audacity.

It should be emphasized that if a President has done something once or many times that does not establish its legality. In other words, if the President acts without authority that does not confer the

authority on him or his successors. Some authorities hold that it is necessary for a President to find either constitutional or legislative authority to make an executive order. That should make executive orders rare, to say the most for them.

If we are to have a government of laws, Congress is the only body authorized to make them. Be that as it may, Clinton found it more and more convenient to rule with executive orders from early 1995 on. After the election of 1994, both houses of Congress had Republican majorities. Nor has Clinton taken care to base his orders on legislation or constitutional authorization. A survey based on Clinton's executive orders found that nearly one-third of them cited no authority at all. In fact, Clinton has played fast and loose with his "power" to issue executive orders.

The most notorious of Clinton's failures to obey the rules was Executive Order #12954. This order attempted to change established labor policy on the right of employers to hire permanent replacements for striking employees. His order stated it is "the policy of the executive branch in procuring goods and services that...contracting agencies shall not contract with employers that permanently replace lawfully striking employees." Clinton's order was in contravention of both the National Labor Relations Board and Supreme Court. The courts will not support him in this effort.

Clinton used dubious interpretations of the Antiquities Act of 1906 to designate millions of acres of public land as "monuments." In so doing, he paid scant attention to the consultation and review processes which would have held him in check. In a related move, Clinton issued an Executive order creating an American Heritage Rivers Initiative. Through it, he transferred land from local control to the federal government. This brought forth a bill in Congress to rein in Clinton's action, but it never got off the ground.

A bill was introduced in the House that would rescind some of the President's emergency powers and require presidential orders to contain specific references to legislative or constitutional authority for the action. The presidential orders would be restricted to the executive branch unless they have congressional authorization. This bill would give legal standing to sue by private parties as well as state and local governments. This at least indicates congressional concern about what was going on.

Clinton has carried on a continual conflict with the authority of the states, since that limited his power. Clinton issued executive orders overriding the federalism principles which Reagan had established for environmental concerns. When Congress cut off funds to the Clinton agency, Clinton backed down. He issued a new executive order more in keeping with the Reagan orders.

But Clinton only shifted the ground of his attack. Clinton issued Executive Order #12898 which introduced an ill identified practice as "environmental racism." The theory supporting this holds that a disproportionate number of environmental burdens are deliberately placed on poor and minority neighborhoods. (Douglas W. Kmiec, "Expanding Executive Power," *Pilon, Op. Cit.*, p. 55.) Clinton had stretched the extent and meaning of existing law by declaring that a federal agency was supposed to achieve environmental justice. Following this act, Clinton fostered some slick maneuvers to bring Title VI of a civil rights act into play. The Environmental Protection Agency issued a guidance order placing the burden of proving by state and local governments that they were not in violation of civil rights. Mayors and governors raised such objections that the Clinton administration backed off its guidance ruling.

Clinton's Executive Order #13087 added sexual orientation to the list of characteristics that are not to be noticed when seeking employment. His Executive Order #13152 added status as parent to the list, by which he was most concerned with whether one is a parent out of wedlock, or something of the sort. There was no existing legislation nor constitutional provision authorizing Presidents to make any provision about sexual orientation or parental status as categories of employable people. In fact it is a long stretch to accept the notion that the Constitution contains any authority for anybody to legislate about private employment, though it has been drug in by way of the 14th Amendment.

Undoubtedly, most of Clinton's Executive Orders and directives have been occasioned by the fact that the Congress was thwarting his will. That, of course, is no excuse. When the separation of powers is working as it should those who would rule willfully are often thwarted. Indeed, the Senate held the line on many appointments that Clinton would make. In reply, Clinton stretched out the length of his temporary appointments. Clinton ruled unlawfully by his extensive

use of unlawful executive orders. He ruled willfully. That is the route of a government of men not of law.

3. Bending the Justice Department

The main depository of the rule of law in the executive branch of the government is the Justice Department. The Solicitor General is the spokesman for the government to the Supreme Court, and he is a high official in Justice. Of course, the head of Justice is the Attorney General of the United States. The President is charged with the duty to see to it that the laws are faithfully executed, and the Justice Department is his main arm for doing that. Of course, this assumes that the President wants to faithfully execute the laws and that he seeks the rule of law. There is much evidence from the beginning that the President was intent on bending the Justice Department to his will. To what ends we would have been unsure at the beginning.

One of the first steps in bending the Justice Department may have been the appointment of Webster Hubbell, a former law partner of Hillary Clinton, to a prominent position adjacent to the attorney general's office. Rumor had it that Hubbell was the lookout for Clinton in the attorney general's office. If so, it was short-lived, for shortly after being sworn in as associate attorney general, Hubbell resigned under suspicion.

Clinton was determined to appoint a woman as Attorney General. His first two candidates had difficulties because of their employment of aliens, and they were both women. His final appointee was Janet Reno. Whatever his reasons for appointing her, Clinton had little difficulty in dominating her.

Two weeks after her confirmation, Attorney General Reno fired all 93 United States attorneys, giving them ten days to clear out their offices. This was not illegal but neither was it the traditional way of dealing with people who were prominent attorneys and due more respect than that. In the midst of that mass firing the permanent corps of workers in the White House Travel Office were summarily dismissed, thought several of them had been in the Travel Office for a long period of time. Billy Dale, the head of the Travel Office was not only fired but was subjected to a trumped-up charge by the FBI.

He was eventually found not guilty after going to considerable expense to defend himself.

Hillary Clinton must have felt at home in the Justice Department, since several of the appointees were friends of hers. Eleanor Acheson, assistant attorney general for policy, Hillary's roommate from Wellseley; Sheila Foster Anthony, assistant attorney general for legislative affairs, sister of Hillary's partner and friend, Vincent Foster; Anne B. Bingaman, assistant attorney general, Anti-trust Division, wife of New Mexico Senator Jeff Bingaman...; Kathleen Kennedy Townsend, deputy assistant attorney general, daughter of Robert Kennedy...and so on. (Theodore B. Olson "Politicizing the Justice Department," Pilon, *op. cit.*, pp. 151-52.)

The Justice Department has tended to undermine rights guaranteed by the Bill of Rights. For example, they have championed warrantless searches despite the fact that the Fourth Amendment prescribes warrants for entering and searching houses. The Chicago Public Housing Authority conducted warrantless sweeps in the wake of gang violence. Federal District Judge Wayne Anderson declared such sweeps to violate the Constitution. Clinton ordered Miss Reno and HUD Secretary Henry Cisneros to find a constitutionally acceptable way to conduct warrantless searches. The Clinton administration found a way, of sorts, by having tenants sign lease provisions which would enable the search of their apartments.

The Clinton White House has been less than enthusiastic in defense of trial by jury. One such case was *Lewis vs. United States*. Ray Lewis was a postal employee charged with obstructing the mail. He requested a jury trial, but his offenses were described as petty offenses and he was denied jury trial. When he was found guilty, he appealed to a higher court. The Constitution is clear enough. It says, "In all criminal prosecutions, the accused shall enjoy a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed...." The Clinton administration cited the petty offense doctrine and asked the Supreme Court to affirm the conviction.

Federal and state courts have for a good many years played fast and loose with the double jeopardy clause of the Constitution. The clause is found in the Fifth Amendment, and it reads, "nor shall any person be subject for the same offense to be twice put in jeopardy of

life or limb....” The trial of the police officers who had beaten Rodney King is a case in point. The state court that tried the officers and found them not guilty. The Bush administration initiated a Federal case against them; the Clinton administration carried through on the prosecution, and Janet Reno defended them for doing so.

Attorney General Reno has repeatedly resisted appointing an independent counsel to investigate Clinton’s and more specifically Gore’s fund raising activities in 1996. She claims to be advised to do so by experienced prosecutors. None have surfaced, though FBI Director Louis Freeh has urged her to appoint an independent counsel in writing, and her task force leader Charles LaBella has told her she has no choice but to appoint one. She refused to accede to demands for an investigation of Gore’s testimony to the FBI, to see if he lied. There is much evidence that the Department of Justice has been bent to serve Clinton and the clique around him.

Eric Holder, Deputy Attorney General, told Kenneth Starr to investigate charges that Whitewater witness David Hale had received funds from *American Spectator*. He said that if this were correct, it would give the appearance of a conflict of interest. Attorney General Reno had previously held that an “appearance of a conflict of interest” was not sufficient for an investigation of Clinton.

The rule of law has been nowhere more effectively abrogated than in the states and Federal Government’s war on tobacco. The Federal government had run roughshod over tobacco companies after discoveries in late the 1950s and early 1960s of links between cigarette smoking and cancer. Subsequently, they have, of course, blamed all sorts of illnesses on the use of tobacco. Early on, in the wake of these discoveries and claims, all cigarette advertisements were forbidden on television. That was followed by, or preceded, as the case may have been, by the printing on every pack of cigarettes a warning about the dangers of smoking, a practice sometimes extended to other forms of tobacco. All advertisements of cigarettes in newspapers, magazines, on billboards, and elsewhere must carry these warnings. The tobacco companies were on the run and did not defend their rights vigorously in those days.

In any case, the 1960s and 1970s were not heady days for defendants rights in general. The assault on the cigarette companies

came at a time when the Supreme Court was driving the Bible out of the schools and traditional rights were being abridged or changed. Still, a modicum of individual responsibility still showed through in the early years in what some writers have called the “war on tobacco.” What the individual was left with was his choice of whether to smoke or not, and with all the efforts being made to inform individuals of the ills of tobacco, they were to be responsible for what befell them if they persisted in smoking. Not so entirely, or so it seems, for Medicare and Medicaid put in their appearance, and the government entered the hospital and medical care field.

Which brings us to the 1990s, and the Clinton foray against tobacco. How Clinton entered the field has been well described by Robert A. Levy:

The Clinton administration did not begin the modern war on tobacco. Private and public health agencies have long urged greater regulation of the industry. And lawyers for years have sued tobacco on the grounds that the industry had caused them harm—suits that invariably failed when juries decided that companies were entitled to invoke established common law defenses like assumption of risk. Once Mr. Clinton came to power, however, his administration began working with those agencies and with its friends in the plaintiffs bar and state attorneys general offices to fashion an all-out strategy, first to vilify big tobacco, then to plunder its coffers—while keeping the industry alive for future plundering, of course. (Robert A. Levy, “The War on Tobacco,” Pilon, *op. Cit.*, p. 121.)

The common law rules had to be shunted aside if either the states or the Federal Government were going to be able to collect from big tobacco. The states got together to work out a Master Settlement Agreement, which would enable them to collude against the tobacco companies, and split up the proceeds. They would ignore the Federal anti-trust laws and individual responsibility and collect huge receipts. Clinton’s administration decided they wanted a share

of the plunder. The Justice Department came forth with the theory that tobacco executives had conspired with one another from the 1950s on and made false and misleading statements about whether smoking causes disease and nicotine is addictive or not. They eventually intruded the claims that the companies had deliberately made cigarettes more addictive. Not all these yielded as much income as the Department of Justice hoped, but the war on tobacco goes on.

The Justice Department is supposedly charged with the tasks of seeing that the laws are faithfully executed and more broadly of establishing and maintaining the rule of law in the land. The bent Justice Department of Janet Reno has wielded much of its influence in the opposite direction.

4. The Constitution and Foreign Affairs

The rule of law in the United States is rooted in the Constitution. That is true not only in domestic affairs but also emphatically in foreign affairs. It is said that the President's powers are greatest—most uncircumscribed—in foreign affairs. It is true that his most extensive powers are in foreign affairs. Article II, Section 2, of the Constitution reads in part: “He shall have Power by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls....” When you add to that he is commander-in-chief of the armed forces and of the militia when it is in the national service, his powers in that realm are large. The Constitution also says in Article II, Section 5 that the President “shall receive Ambassadors and other public ministers...from other nations.”

But it should be noted that the President's powers are also circumscribed in foreign affairs. In Article I, Section 8, of the Constitution the Congress is empowered “To define and punish Piracies and Felonies committed on the high Seas, and offences against the Laws of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on land Water; To raise and support Armies...; To provide and maintain a Navy; To provide for calling forth the Militia to execute the Laws of the Union, sup-

press Insurrections, and repel Invasions; To make Rules for the Government and Regulation of the land and naval Forces; to provide for organizing, arming, and disciplining, the Militia....” And, of course, the power to tax and appropriate money is vested in Congress by the Constitution. We have revisited the Constitution here because the President has made significant departures from the Constitution in his conduct of foreign affairs.

First Clinton has deployed forces into combat situations without Congressional authority to do so. In 1994 he sent 16,000 troops to Haiti. In 1995 he ordered 20,000 American ground forces to implement a UN sponsored peace plan in Bosnia. In 1998 he used cruise missiles to bomb targets in Sudan and Afghanistan. In march 1999, Clinton deployed 31,000 servicemen and women to carry air flights against Serbia to protect Albanians in Kosovo from ethnic cleansing. “In none of these cases did congress provide authorization for the Clinton administration’s decision to use force abroad. In the case of Kosovo...the House of Representatives rejected, by a vote of 427 to 2 a joint resolution declaring war on the Federal Republic of Yugoslavia.” (John C. Yoo, “The Imperial President Abroad,” Pilon, *op. Cit.*, p. 161.)

Of course, Congress hasn’t declared war on anybody since the memory of man runneth not to the contrary, or at least since World War II. They had abandoned that aspect of the rule of law for a very long time. Clinton ignored the War Powers Resolution, which requires the President to remove troops from a combat environment unless the Congress indicates its approval. Clinton says he did not need the approval of Congress. He has shifted to fighting wars with the UN or NATO, or other international approval.

The deployment of American troops under UN or NATO auspices has raised the specter of the loss of American control over them in several directions. The thrust in this direction is called multi-lateralism. American troops may be disposed by foreign powers or some of them come under the command of foreign officers. None of this appeared to bother Clinton, but it violates the Constitution and may use American armed forces outside American interest or aims. It may remove American armed forces from the orbit of the American rule of law.

American armed forces take an oath to obey the orders of the President. It does not appear that the President can delegate that authority outside his chain of command. Also, if command authority is transferred to foreign hands beyond their scope of authority neither Congress nor the American public has access to control or oversight of them. In other words, there would be no means to see to it that American policies are followed. Clinton relishes all these problems and probably takes pleasure in posing them. That is simply another way of saying that Clinton has been a rogue President. To put it another way, he has been a bull in the China shop of the American rule of law. Congress has only one means of dealing with a rogue President—impeachment. It tried that, and that failed because of prissy Republicans in the Senate and irresponsible Democrats.

The attempts of the Congress to establish its own enforcement arms have run up against the Constitution as interpreted by the Supreme Court. In *Printz vs. United States*, The Supreme Court held in 1997 that Congress could not vest power in officials that could not be removed by the President. The Brady handgun act had attempted to do that. In other cases, the court has repeatedly confirmed this principle. While these cases did not deal with foreign policy, they nonetheless lay down what may be the applicable law.

It does not appear that the Supreme Court would look with favor on the delegation of authority to foreign peoples. Beginning during the New Deal the Supreme Court permitted delegation by Congress of rulemaking powers to the executive branch. What results from this is administrative law. But Congress is not permitted to delegate these powers unless it provides guidelines to circumscribe this power. This is known as the non-delegation doctrine. This is supposed to ensure that Congress refrains from abdication of its legislative responsibilities.

The principles of governmental accountability and the Supreme Court's interpretation of the appointments clause should make it difficult for Clinton to proceed with his multi-lateralism. Even so, he has forged ahead in seeking ratification of the multi-lateral Chemical Weapons Convention. As one expert said, "Achieving arms control objectives...was believed to be more important than respecting the Constitution's limitations on the delegation of power and its restric-

tions on the use of power against American citizens. That should come as no surprise because the Clinton administration was merely adopting the same disregard for constitutional principles that it displays in the case of international military operations. Indeed, the administration's record on both arms control and military intervention demonstrates an unfortunate willingness to trust multi-lateral solutions that delegate power over American citizens to international organizations." (*Ibid.*, p. 177.)

If Clinton was devoted to the American Constitution and the system of rule by law which follows from it, it is not apparent from his behavior. It is true he took advantage from time to time of living under the system. But when it got in the way of what he wanted, when it restricted and limited his actions, he ignored or shunted it aside. The great advantage to him of his being President is that the White House had plenty of lawyers to protect him when he violated the law. Nowhere was he better able to cast aside the usual restraints on him than in foreign affairs. As one writer has said, "It certainly represents his most extensive use of the powers of the imperial presidency to ignore the constitutional limitations on government, all in the service of foreign policy goals." (*Ibid.*, p. 178.)

As for the rule of law, not of man, he probably thought it was some trick phrase contrived by lawyers. It is, after all, a very hard saying. It requires of those who have and use power that they use it not for self only but also and especially for the good of others as well. Devotion to the rule of law is a high calling.

5. Princess Diana, Relativism, and Clinton

In the wake of the violent death of Princess Diana and her beatification by the masses with such an outpouring of flowers that has rarely, if ever occurred, it fell to my lot to teach Sunday School. I pondered aloud the strangeness of her sanctification, or whatever it was, in view of the sordidness of her situation when she met her death. She had left her young sons in England with her ex-husband, Prince Charles. She was the lone woman in a car with three men, some of whom had been drinking heavily, and none of whom was related to her by marriage or otherwise. The car was speeding in a

tunnel at near 100 MPH when the driver lost control and killed himself, her, and her alleged lover.

Disgraceful? Not to a portion of the Methodists before me in the class. Some probably thought I was wrong for being judgmental, though they didn't say so. But one old fellow in the class said that if he had an opportunity that was the way he would behave. The Diana mass effect was a foretaste of the public response to Clinton's doings. I decided fairly early on that Clinton was shameless. But it should be said that many of those who rallied to his side were also shameless. They are without shame, virtually cannot be shamed by whatever. That explains much that has occurred in the Impeachment and Trial of Clinton and the reaction of his followers.

The world and all that therein is can seem quite different to a relativist than it does to an absolutist. The one sees only the shifting relationships between all things; the other can see through to the fixities to the enduring, to the eternal. Opinions reign in the world of the relative. The truth exists and can be discovered sometimes in the world of the enduring. Everybody-is-doing-it is the sovereign reply of those who are relativists. It is a casual make believe world more often than not; one where honest and earnest people are at a severe disadvantage at times. That is why the Clintons of this world find it so easy to evade the truth, because words are not much more than silly putty to them.

In America, at least, the division which could be discerned in the 1980s has grown firmer than it was at that time. It produced the gridlock of the 1990s, a gridlock which has now proceeded to deadlock. The deadlock was most apparent in the national election in November of 2000. It is unlikely that the deadlock will be broken until the year 2004, when there will be another presidential election. Of course, there could be some changes in the mid-term elections in 2002, but it is not likely. It is quite possible that the deadlock might not be broken in 2004; it might just change its face.

But that would presumably lie in the future. What lies immediately ahead is some variety of deadlock, unless George W. Bush can break that. In recent years, the Democrats have been more cohesive and more determined to have their way. If that continues, we will probably hold steady around deadlock.

The deadlock we are caught in has many facets. On the surface, there is the electoral deadlock. That has a simple explanation—it is the division in the strength of the political parties which is so close. But beneath that are many other divisions which are much more intractable than the matter of numbers. These divisions have philosophical and religious dimensions which are sometimes aggravated by racial, ethnic, and gender differences. There are the differences between the abortionists and pro-life people. There are the differences between the secular humanists and what may well be called the transcendentalist. There are differences between the creationists and the evolutionists. At the philosophical level, there are the differences between the absolutists and the relativists. And, of course, the whole business is made more intractable by the unwillingness of politicians to talk about the differences or to gloss over them. At any rate, these differences shed glaring light on the deadlock which besets us.

Chapter 14

Deadlock

The result of the Presidential election of 2000 was the sign of and prescription for political deadlock. There has rarely, if ever, been such a close election. The popular vote for President was close: Al Gore got 49,252,780 (his lead widened somewhat in the final count); George W. Bush got 49,036,353 and Ralph Nader got a little over 2.7 million. No candidate got a majority of the votes cast. The final electoral vote was 267 for Gore; 270 for Bush. And the popular vote margin, which pushed Bush's electoral vote past the margin of victory was 327. Three hundred twenty-seven votes out of nearly 6 million cast!

The Senate is even closer: there are 50 Democrats and 50 Republicans. The Vice-President is a Republican and president of the Senate, and he gets to vote in tie-vote situations, and his vote enables the Senate to be organized by the Republicans. The Republicans have a majority in the House of Representatives, but it is slim indeed. The Supreme Court finally settled the contested presidential election, but it did so by the narrowest 5-4 margin.

Even so, the Republicans finally have theoretical control of the presidency, the House, and the Senate. It might be supposed that would break the gridlock that has prevailed generally since the mid-1980s. But the President has only the slimmest of mandates to govern, and the Congress may be deadlocked by the death of one person in the Senate, or by the shift of votes from one party to another on particular issues which arise. There are all sorts of scenarios that would revive gridlock or bring on deadlock.

One thing is about as certain as anything that hasn't happened. No major changes are likely to occur on controversial issues. The Democrats are seasoned hands in turning aback anything they oppose. They outmaneuvered Republicans when they had better majorities than they have now. They still have the favor of major media people, dominate in the colleges, have large numbers of so called "mainline" churches on their side and are ready, willing, and able to trot out their arguments to turn back legislation or innovations of

which they disapprove. In short, the prediction is for continued gridlock, and probably, deadlock.

1. The Election of 2000

The national election took place November 7, 2000, except for absentee ballots, of which there were an unusual number, which could be cast some days before or after that date. But the primaries were held in the late winter or in the spring of 2000, so the candidates had been determined before summer came. And the party Conventions took place in August. So the election was strung out from February to sometime in December before the dust finally settled on it. A forgetful person could have forgotten who the candidates were between March and August, and again between August and November.

Even before the primaries the candidates were out making speeches, holding press conferences, engaging in debates. There were not a lot of candidates for President for very long however. Albert Gore was the most prominent candidate for the Democratic nomination. Bill Bradley, a former basketball star in the NBA, and later Senator from New Jersey, ran a spirited race early, but lost out when the primaries began. George W. Bush was the frontrunner from the beginning. John McCain, the Vietnam war hero and Senator from Arizona, emerged for a few weeks as his major competitor. McCain won the primaries in New Hampshire, Michigan, and Arizona, then fizzled out and withdrew. He attacked Bush for speaking at Bob Jones University in Greenville, South Carolina, and also attacked the "religious right" in Virginia, and made much ado about being on the side of the "angels" by favoring reform limiting political contributions. Steve Forbes and Alan Keyes also entered the Republican presidential race, but neither of them made much of an impact.

The presidential candidates almost disappeared from view after the early Spring primaries. The conventions brought the campaigns to life again in August. The Republicans met July 31st in Philadelphia. Retired General Colin Powell gave a major speech on opening night. George W. Bush named Dick Cheney, an old Republican war-horse, so to speak, as his running mate. Bush brought youth to the party; Cheney brings age, experience and heart problems to the party.

Bush continued to push his variety of compassionate conservatism. He professes his Christianity openly, and says that Jesus is his hero. He wants to champion private charity, particularly that of the churches. NBC announced that the Republicans gained five points with their convention, and that Bush led Gore by 13 points.

The Democratic Convention met in Los Angeles in mid-August. Al Gore had announced his choice of running mate, Joe Lieberman, a Senator from Connecticut and a devout Jew. He was the first Jew so chosen, and Clinton made much of the breakthrough. President Clinton made an opening speech at the convention and gave an enthusiastic endorsement to the Gore-Lieberman ticket. Hillary Clinton, now a candidate for the Senate from New York, also spoke at the convention. Gore had taken an environmentalist stand earlier, but he downplayed this during his candidacy. Gore announced at the convention, "I stand here tonight as my own man." That was his way of declaring his independence from Clinton. Gore also got a boost from the convention, but he did not immediately catch Bush in the polls.

As for third party candidates, Ross Perot did not run this time. Patrick Buchanan decided to run as a third party candidate rather than as a Republican in 2000. He tried to capture the following and financing of Perot's party, with indifferent success. That left Ralph Nader's environmentalist party, which drew about two percent of the vote in the election.

As the election day drew nearer, the projected votes for the candidates got closer. There were even polls and talk that Gore was leading, though not necessarily in the electoral college, which was the all important part of the vote. Then came the election day!

They started the day, November 7, 2000 believing it would be a close election. And the day ended, at mid-night, say, knowing it had been, and still was, too close to call. New Hampshire was close with 273,235 for Bush, and 265,853 for Gore. New Mexico was still very close, with 285,774 for Bush and 285,747 for Gore. Iowa had 630,977 for Bush and 635,026 for Gore, Wisconsin 1,234,167 for Bush and Gore had 1,240,266. Florida had floundered all over the place during the night. The networks had first called the state for Gore early in the evening. Then it was put in the too close to call category. Then sometime after mid-night it was announced that Bush



John McCain

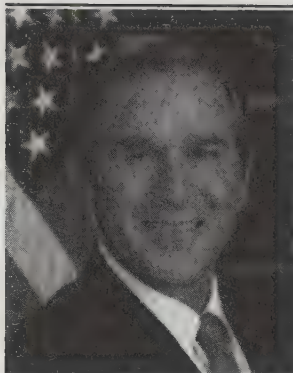
A war hero during the Vietnamese War, had two airplanes shot out from under him, and spent five years as a prisoner of war. He has most recently come to national attention as a Republican candidate for President in the primaries. He was born in 1936 in the Panama Canal Zone, graduated from the Naval Academy at Annapolis and followed a career in the service. After that, he ran for the first opening in the House in Arizona, and when Goldwater's seat became open in 1986, McCain ran for election in the Senate and won.

was ahead by 29,000 votes, and it was assigned to him. Gore called Bush and conceded.

It looked like Bush had won the election for President, and the Bush people began to celebrate. Gore was headed by motorcade to the War Memorial Stadium in Washington, D.C. to tell his supporters it was all over. He got a hurried call from Bill Daley, his campaign manager that the picture in Florida was changing. When Gore called Bush to rescind his concession Bush was not of a mind to accept it. Meanwhile, Florida was returned to the too-close-to-call category where it stayed more or less for some time.

Florida law requires that when elections are within a certain percentage of closeness, there has to be a recount. A machine recount was all that was called for, and it was done automatically. Bush got less votes this time, but he still had a majority. All that was supposed to remain to do was to count the absentee ballots when the deadline for them had passed, and for the Secretary of State, Katherine Harris, to certify the electors, send them in, and it would all be over. Except, that is not what happened.

Aside from its closeness, however, there was one other peculiarity about the election, per se. It was that the Gore majority votes were confined mostly to three geographical areas: (1) the Atlantic coast from Maryland to Maine; the great Lakes region; the Pacific coast. The South of the Confederacy went solidly for Bush. The Rocky Mountain states, with the exception of New Mexico, went for Bush. And a smattering of states in the Midwest went to Bush. Most of the rural and small town America went for Bush. Indeed, most of the land of America was included in the Bush domain, and a map of



George W. Bush

43rd President of the United States and 46th Governor of Texas. He was born in 1946, grew up in Midland and Houston, Texas; and received his higher education from Yale University and MBA from Harvard. After working several years in the oil business, Mr. Bush became a managing partner of the Texas Rangers, an American League baseball team. He then served two terms as Governor of Texas and made a successful run for the presidency under the rubric of compassionate conservatism.

the United States broken down by counties, would show how much of the country went for Bush. Gore took most of the great urban centers.

2. The Descent of Lawyers & Lawsuits and The Reign of the Media

The first signs of dissatisfaction with the conditions for voting surfaced in Palm Beach county. This may not have been spontaneous; it was apparently promulgated and stirred up by individuals and groups. The Butterfly ballot became a cause celebre very quickly. The ballot was designed (or approved) by an election supervisor, Teresa La Pore, in Palm Beach county. The main complaint was that some of the holes that had to be punched out were not exactly lined up with the names. Ms. La Pore, a Democrat, had a flyer to be made and distributed to polling places that day, a flyer that explained how to vote on the Butterfly ballot. The plot thickened when the Democratic National Committee arranged for Telequest, a Texas based telemarketeer, to call thousands of Palm Beach voters to warn them about the difficulties of the ballot. On Wednesday morning, the day after the election, the Democratic party arranged for a toll-free number for people to call in complaints.

As if all that were not enough to get the complaints rolling in, Jesse Jackson flew to South Florida from Gore headquarters in Nashville. Before he could get much of a demonstration going, 300 black students from Florida A. & M. University arrived at the Talla-



Katherine Harris

Secretary of State of Florida, from which position she made some of the crucial moves in the contested presidential election of 2000. She was born in 1957, is an heiress of a small fortune, has a degree from Harvard University, was elected to the state Senate in 1994 and to Secretary of State in 1998. She attempted in her controversial rulings to follow Florida election law, but was thwarted in this effort at first by the Florida Supreme Court and outdone initially by Al Gore's maneuvers, but was ultimately supported by the U. S. Supreme Court.

hassee state capitol demanding to see Jeb Bush. A real brouhaha was in the making.

As the debate heated up, the lawyers descended on Florida. And in their wake came the lawsuits. On Wednesday, November 9, three Palm Beach residents filed suit asking for a new election on the grounds that the ballots were “deceptive, confusing or misleading.” Within a week and a half more than 25 lawsuits of one variety or another had been filed. Gore applied for manual recounts to be made in Volusia, Miami-Dade, Broward, and Palm Beach counties. These were large counties with large numbers of Democratic voters and they were the locales where many voters had experienced difficulties in voting. Thus, Gore plunged first and quickly into the request for recounts. He acted before the mechanical recount ended—which it did on November 10, with Bush still ahead by 327 votes, with the overseas absentee ballots not received or counted.

The media were zeroed in on Florida by November 8. CNN was everywhere, along with newspaper reporters, magazine reporters, and network personnel. There was a great deal of bias in the reporting. Above all, there was bias in favor of continuing the lawsuits and in favor of Gore and the Democrats. For example, the first United States Supreme Court decision in *Gore vs. Bush* declared that the Florida Supreme Court's decision to allow the manual recount of the votes was *vacated*. To *vacate* means “to make legally void.” In short, the state court's decision was made null and void, yet they proceeded as if it had not happened. David Boies, the Gore lead attorney, tried manfully to put his spin on court decisions.

Every Democrat, from Albert Gore to the village idiot, kept up a continual clamor that "every vote should be counted." Florida law requires that every vote should be counted where the intent of the voter can be discerned. As Bill Clinton might have said if he had been on the other side. "It all depends on what is a vote", or something of the sort. Newspeople presented flaws in the Florida system as if they were unique. They are not, of course. Whatever system is in use will have spoiled and discarded ballots. The Florida system came under such scrutiny because the vote was so close, thus giving each vote a much greater value than it ordinarily had. The system which came under scrutiny has a punch card system. If the chad, as it is called, is punched all the way through it will leave a small hole in the card and will be counted. If it is dented or punched only partially through it probably will not register. The demand for recounts, then is the demand for those cards only partially through be counted if they somehow register a vote. If the chad is left hanging at first it is subject to falling off the more it is handled. That is probably why the mechanical recount yielded a different result than it did the first time.

The Gore people wanted recounts, especially of the big counties in South Florida. Their main argument for this was the dubious one that every ballot should count. Bush never wanted recounts, either in whole or in part. His main argument was that there had already been a recount, and he came out ahead. Katherine Harris held that further recounts should depend on the demonstration of flaws in the machine—which she doubted. At any rate, some recounts got underway. Bush went to Federal District court to get the manual count stopped. Judge Donald Middlebrooks turned his request down. Bush's lawyers appealed to the Federal Circuit Court of Appeals. Nothing came of that appeal.

Bush appointed the old pro, James Baker, to superintend his lawyers and lawsuits. Al Gore had the wizened Warren Christopher to look after his interests, and he was helped at first by Bill Daley. David Boies, the genial looking but hard driving lawyer was usually Gore's leading attorney. Ted Olson or Barry Richards was Bush's lead attorney. Lawrence Tribe was Gore's lead attorney the first time the defense made a Supreme Court appearance. But David Boies took over for the second Supreme Court appearance.



David Boies

The lead lawyer for Al Gore in the struggles over which presidential candidate won the election in Florida. He was born in 1941, attended Yale Law School, and became one of the most prominent lawyers in the country. Over the last three decades, Boies has lost only one major case. He took on Bill Gates and came out the initial winner, won \$1.17 billion from drug companies for fixing prices, and defeated major auction houses in another high profile case. He was finally overmatched by the United States Supreme Court.

The state circuit courts struggled back and forth. Judge Terry Lewis ruled that Katherine Harris could certify the elections, and finally after the absentee ballots were in and counted, she did. According to Secretary of State Harris, George W. Bush had won the election, if anybody was listening. Another body, the Florida State legislature was preparing to weigh in. In the week or so before the December 12th deadline date for the electoral votes to go to the Federal government, they held hearings to take part in the election. Article II, Section 1, of the Constitution reads in part: "Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...." Both houses of the Florida legislature were controlled by the Republican party. Tom Feeney was speaker of the House of Representatives; John McKay was president of the senate. Both men were prepared to name a slate of electors to the Electoral College, if need be. Meanwhile there were other battles between the contestants to be played out in the courts.

3. The Clash of the Courts

The Florida Supreme Court became involved in the election controversy on November 17, 2000. A few remarks about this court will be in order. There are seven members of the court, two of whom are women. Six members of the court are Democrats and one is an independent. Charles T. Wells is the chief justice and the others are: Leander J. Shaw, Jr., R. Fred Lewis, Harry Lee Armstead, Barbara J. Pariente, Major B. Harding, and Peggy A. Quince. Most of the

judges are liberal. It appeared at first that they were favorably disposed to Gore, and from their pronouncements they would favor the counting of all votes.

Gore and Lieberman were the plaintiffs in their first case to go before the Florida Supreme Court. Katherine Harris, the Secretary of State of Florida was the defendant. She had won in their first case before the lower court. They had ruled that she could set deadlines and certify the votes. On November 21, 2000, the Supreme Court ruled unanimously that Secretary Harris could not cut off the vote by the deadline, and they set a new deadline.

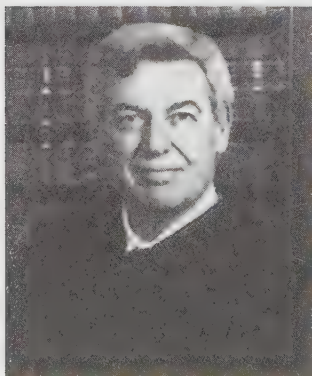
The Bush people reacted strongly to the Florida Supreme Court's throwing out the earlier deadline and the setting of a new one at will. "Make no mistake," Bush said, the "court rewrote the laws. It changed the rules; and it did so after the election was over." As one reasoning had it, "I guess the rules weren't the rules anymore. Didn't it mean anything that the votes had been counted and counted again; the state legislature had set a one-week deadline for the counties to certify their results; and the secretary of state had affirmed it. Now the state supreme court was throwing that deadline out and making a new one all its own. That wasn't interpreting the law, it was inventing it." (*Time* [Nov. 20, 2001, p. 32].)

Bush's lawyers took the appeal to the United States Supreme Court. The court gave its answer in a Writ of Certiorari to the Florida Supreme Court dated December 4, 2000. It reads, in part: "If the state legislature has provided for final determination of contests or controversies by a law made prior to election day, that determination shall be conclusive if made at least six days prior to said time of the meeting of the electors...." That sounds like double-talk, but what it apparently means is that if a law made prior to the election sets a deadline for the end of controversies etc., which deadline is at least six days before the electors meet, that should be it. In a further opinion, the Supreme Court said that "after reviewing the opinion of the Florida Supreme Court, we find that there is considerable uncertainty as to the precise grounds for the decision...." "Specifically, we are unclear as to the extent to which the Florida Supreme Court saw the Florida Constitution as circumscribing the legislature's authority under Article II. The judgment of the Supreme Court of Florida is vacated, and the case is remanded to the Supreme Court of Florida

for further proceedings not inconsistent with this opinion.” As matters stood, then, the Florida Supreme Court’s unanimous decision about removing the deadline for accepting recounts was null and void. The strange thing was that with all the lawyers around, no one ventured an opinion to this effect.

Actually the Florida Supreme Court was wrestling with another pressing decision. The Supreme Court of the United States had rendered its decision on December 4th. A few days earlier a trial began in a Leon County courtroom in Tallahassee. The trial was styled *Albert Gore, Jr. et al. vs. Katherine Harris, et al.*, and it was presided over by N. Sanders Sauls, Circuit Court Judge. Katherine Harris’s opinions were finally to have a full fledged trial before a judge. There were witnesses, experts, and a room full of lawyers. Representing the Plaintiff was David Boies and six other attorneys. Representing the Defendant (for which read Bush as well as Katherine Harris) was four other attorneys. Plus there were two other attorneys assigned to Miss Harris. Then there were an assortment of lawyers representing the Miami-Dade Canvassing Board, the Nassau County Canvassing Board, the Palm Beach County Canvassing Board, and attorneys representing the intervenors from Seminole and Martin counties. To top it off, the courtroom, was small, and lawyers were practically standing on top of one another.

Judge Sauls was reckoned to be quite a character, to be plain spoken, and to be humorous on occasion. He has a mind of his own, and his opinions are not notably predictable. He has been disciplined by the Supreme Court of Florida. To round out the pageantry, a truck load of ballots was transported from Miami to Tallahassee, followed



Chief Justice Charles T. Wells

Chief Justice of the Florida Supreme Court since June 16, 1994. He was born in Orlando in 1939, graduated from high school and took two degrees from the University of Florida by 1964. Mainly Mr. Wells was in the private practice of law for the next 28 years. When the Florida Supreme Court made a split decision on continuing to count the ballots, Chief Justice Wells was in the minority, and he warned the court that it was courting trouble down the road by acting contrary to the U. S. Supreme Court’s instructions.

all the way by television helicopters. But Judge Sauls never got around to using the ballots.

Judge Sauls read his findings and opinion to an eager bunch of Lawyers and the television audience. He found that, "In this case, there is no credible statistical evidence, and no other competent substantial evidence to establish by a preponderance of a reasonable probability that the results of the statewide election in the State of Florida would be different from the result which had been certified by the State Elections Canvassing Commission." He pointed out that the statewide result was the one that counted, not what happened in a county here and there. And, "In conclusion the Court finds that the plaintiff failed to carry the requisite burden of proof, and judgment shall be hereby entered and the Plaintiffs will take nothing by this action."

The Bush forces were jubilant; they had, or so it seemed, won everything. But their jubilation was short lived. The Gore lawyers appealed Judge Sauls ruling, and it passed quickly to the Florida Supreme Court. By a 4 to 3 decision, it nullified significant portions of Sauls's ruling. Without even making any reply to the United States Supreme Court for which their earlier order was vacated, the Supreme Court of Florida on December 8, 2000, ordered that the Circuit Court of Leon County tabulate by hand 9,000 ballots from Miami-Dade County. It also ordered that partial recounts in several counties be added to the vote totals, and that a statewide effort be undertaken to recount all undervotes.

The Florida Supreme Court was badly divided by the above decision. Not only was the vote close by the 4 to 3 majority, but Chief Justice Wells opposed the action and wrote a blistering dissent, saying: "there is a real and present likelihood that this constitutional crisis will do substantial damage to our country, our state and to this Court...." The majority wrote their answer to the dissenters in their decision. "Only by examining the contested ballots...can a meaningful and final determination in this election contest be made.... We can only do the best we can to carry out our sworn responsibilities to the justice system and its role in this process." Major Harding and Leander Shaw also dissented.

In any case, the Bush lawyers filed immediately to the U. S. Supreme Court for a stay of the order. Justice Anthony Kennedy

issued a stay forthwith on December 9th and scheduled a hearing before the Court for December 11th. Except for the swiftness with which this stay was issued and the earliness of the hearing there is nothing exceptional about the stay. What was unusual was that Justice Antonin Scalia issued a concurring opinion making answer to the dissents of Justices Stevens, Souter, Ginsberg, and Breyer. Justice Stevens had introduced the argument that "Counting every legally cast vote cannot constitute Irreparable harm." On the other hand, he thought that it might do irreparable harm to the Gore camp by staying the recount. Justice Scalia argued that "One of the principal issues in the appeal we have accepted is precisely whether the votes that have been ordered to be counted are, under a reasonable interpretation of Florida law, legally cast votes. The counting of votes that are of questionable legality does in my view threaten irreparable harm to petitioner, and to the country, by casting a cloud upon what he claims to be the legitimacy of his election." The issue was about to be joined very soon

Before proceeding with this case, there are other matters to get out of the way. The approach of the December 12th deadline for the Electoral vote of Florida to be posted gave a sense of urgency to pending matters. There was the matter of the challenge of nearly 5,000 Republican absentee ballots in Seminole County. This case was brought by Mr. Harry N. Jacobs, not by Albert Gore. The charge was that there was an important irregularity in the Republican absentee voting. The ballots sent to Republicans by the party lacked a place for I. D. number and instruction about the necessity of such a number. Republican workers went to the county election board offices and requested space from the clerk to complete the forms. She complied, and the corrected forms were sent to the voters. This case came before Judge Nikki Clark, a black woman. She noted that the government worker who allowed the people to come in violated a law, but so far as the voters were concerned they were innocent of any wrongdoing and should not be punished. This case was appealed to the Florida Supreme Court, and they approved the decision. It should be pointed out that Al Gore neither joined in nor formally approved the bringing of the case. He pointed out correctly that he could not very well be making the argument elsewhere that every vote should be counted while pushing a suit that would deny that. It



Sandra Day O'Connor

Associate Justice of the Supreme Court, the first woman appointed to the high court. She was born in 1930, graduated from Stanford, and entered politics as an assistant attorney general in 1965. She rose in elected and appointive offices until she was appointed to the Arizona Court of Appeals in 1979. She was then appointed by President Reagan to the Supreme Court in 1981, where she has distinguished herself as a swing vote in forming majorities. She is not dependably conservative, but she can be helpful in that role sometimes.

is probably true, however, that he would have liked to see some Republican votes disappear if he had no hand in it.

A similar case was brought in Martin County by Ronald Taylor. It was tried in Leon County by Judge Terry P. Lewis. Judge Lewis ruled that he found "no evidence of fraud or intentional misconduct." The court concluded that despite the irregularities in the handling of the absentee ballots "the sanctity of the ballot and the integrity of the election were not affected and that the election in Martin County was an expression of the will of the people." The Supreme Court affirmed this decision of a lower court.

Meanwhile, the Supreme Court held a hearing for one and a half hours so the lawyers could answer questions about the cases. The recounting of the ballots had stopped on December 9th, as word of the stay by the Court was spread. Whether the dispirited counters would be permitted to resume their work, and, if they were, would they have any zest for it. These were questions left hanging while the Supreme Court attended to its business with great dispatch.

David Boies went before the Supreme Court on this occasion, rather than Lawrence Tribe. It was a grueling session this time even for the usually buoyant Boies. Chief Justice Rehnquist did not ask many questions. He wanted to make sure that he heard again the arguments for its being a Federal case. Sandra Day O'Connor appeared to be miffed that the Florida Supreme Court had not answered the questions asked by the Court in an earlier decision. She was expected to vote with the conservative majority, if there was one in this case. One of the issues that was thoroughly explored was the arbitrary way the decisions about whether there was definitely evi-

dence of a vote and for who or not. What about dimpled chads?, hanging chads?, chads attached at all four corners?, and so on. Were all chads receiving equal treatment before the law? Had the Florida Supreme Court changed the rules in the middle of the contest? There were many questions and the justices explored most of them.

Justice Clarence Thomas, expected to vote as he usually did, with the conservatives, asked no questions. He frequently followed the lead of Justice Scalia. Justice Anthony Kennedy was appointed by the first President Bush and usually followed the lead of Justice O'Connor and voted conservative. Justice John P. Stevens is the oldest member of the Court at 80. He usually votes liberal and is given to writing dissents whether anyone else joins him or not. David Souter was appointed by President Bush in the hope of building a conservative majority on the court. From the outset he was a dependable liberal when the Court was divided. Ruth Bader Ginsburg was appointed by Bill Clinton and usually votes with the liberals. In this case, she complained repeatedly that the Court was not treating the Florida Supreme Court with sufficient respect. Probably that was the only defense of the Florida Court's decisions she could think of. Stephen Breyer has distinguished himself, if at all, by voting liberal usually.

Despite the fact that the Justices wrote several opinions, they moved swiftly to a decision on *Bush vs. Gore*. Their decision was passed out just before midnight on December 12, 2000. That may have been a calculated maneuver in view of the numerous lawsuits that came out of this and related cases. The Supreme Court probably wanted there to be no time before the deadline of December 12th for any other suit to be filed.

It is now time to take up the relevant portions of the opinion and the decision. The Court makes an interesting observation in the course of giving some background data on the case: "Nationwide statistics reveal that an estimated two percent of ballots cast do not register a vote for President for whatever reason, including deliberately choosing no candidate at all or some voter error, such as voting for two candidates or insufficiently marking a ballot." Much of the opinion dealt with evidence that the Florida system for recounting makes no provision for equal treatment in determining the intent of the voter. As the Court said: "As seems to have been acknowledged

at oral argument, the standards for accepting or rejecting contested ballots might vary not only from county to county but indeed within a single county from one recount team to another.” Further, the opinion stated, “The State Supreme Court ratified this uneven treatment. It mandated that the recount totals from two counties, Miami-Dade and Palm Beach, be included in the certified total.... Yet each of the counties used varying standards to determine what was a legal vote. Broward County used a more forgiving standard than Palm Beach County, and uncovered almost three times as many new votes, a result markedly disproportionate to the difference in population between the counties.”

The opinion moves toward a conclusion:

Upon due consideration of the difficulties identified to this point, it is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that might arise. In addition, the Secretary of State has advised that the recount of only a portion of the ballots requires that the vote tabulation equipment be used to screen out undervotes, a function for which the machines were not designed. If a recount of overvotes were also required, perhaps even a second screening would be necessary. Use of the equipment for this purpose, and any new software developed for it have to be evaluated for accuracy by the secretary of State....

All that would have to be accomplished and completed by December 12th. As the Court says, “That date is upon us, and there is no recount procedure in place under the State Supreme Court’s order that comports with minimal constitutional standards. Because it is evident that any recount seeking to meet the December 12th date will

be unconstitutional for the reasons we have discussed, we reverse the judgment of the Supreme Court of Florida ordering a recount to proceed.”

According to the note which follows the decision, seven justices of the Supreme Court agree that there are constitutional problems with the recount ordered by the Supreme Court of Florida. Five agree fully and they are: Chief Justice Rehnquist and Justices O'Connor, Kennedy, Scalia, and Thomas. Justices Souter and Breyer disagree as to what remedy is appropriate, Justices Stevens and Ginsberg believed that there was no occasion for the Supreme Court of the United States to intervene in the matter in Florida at all.

Chief Justice Rehnquist wrote an additional concurring opinion which agrees with the opinion but adds other reasons for reversing the Florida Supreme Court. Justice Scalia and Justice Thomas joined him, concurring. Rehnquist points out that Florida has a system for managing elections. It places people from the executive branch in charge, sets deadlines when things are to happen, and which should bring the election to an end in a timely manner. The State Supreme Court interfered with this system, virtually replaced the Secretary of State, and set new deadlines. That, in large, is what got Florida in such a bind.

4. Dénouement

With the fateful words from the Supreme Court of the United States, “We reverse the judgment of the Supreme Court of Florida ordering a recount to proceed” the Election of 2000 was brought to an end. For practical purposes the vote count reverted to November 26 on the date when Secretary of State Harris certified the electors for George W. Bush and Dick Cheney. When the Senate opened and counted the electoral vote of 271 for Bush and Cheney it included the Florida vote. The Supreme Court decision brought all challenges and contests about the election to an end.

What had produced all this legal tangle of challenges, contests, and lawsuits? What or who was to blame primarily? Primarily, it was the Democratic National Committee, Albert Gore, and Joseph Lieberman. The Democratic National Committee had stirred up the trouble in Palm Beach County. But it was Albert Gore and Joseph

Lieberman who kept the lawsuits coming almost from the beginning to the end. It used to be conventional wisdom in much of America that people who wanted to continue to be involved in politics should not challenge or contest an election. In view of the mess that this contest produced it might still be a good rule. At any rate, Gore and his cohorts among the Democrats were primarily to blame. When Bush took the matter to the Federal courts, Gore indicated that it made him equally to blame. That does not follow. It was still suits initiated by Gore that were being defended against by Bush.

There were claims by some Republicans that Gore was trying to steal the election from Bush. The truth of that depends upon the legitimacy of the case he made for the votes he wanted to get. If Katherine Harris was right about what she attempted to maintain throughout that when she had done a mechanical recount of the votes, she had complied with what the law required in this case. There were no charges of fraud nor any evidence of machine malfunction. Instead of paying attention to what she said—and she was lawfully in charge—the Gore people demonized her, cast aspersions on her character, and ignored her otherwise. She was vindicated by most of the courts she went before, including the Supreme Court of the United States. It has the look of attempted theft.

However that may be, Gore conceded the election in a gracious speech, and that brought his part in the election to an end. George W. Bush was inaugurated on January 20th. Reverend Franklin Graham delivered a devout and moving prayer, and George W. Bush gave a brief and not undevout inaugural address. William Jefferson Clinton performed his last official duty as outgoing President by attending the inauguration of President Bush. He had been quite busy in the days just before he left office. He undoubtedly had to issue a few more executive orders to keep his legacy in place. It was, after all, his favorite mode of acting.

He outdid himself in his last days also by the issuing of presidential pardons. The most infamous of these pardons went to Marc Rich, a man born in Belgium, naturalized as an American, who renounced his American citizenship, and took up residence in Switzerland. His ex-wife gave hundreds of thousands of dollars as contributions to the Democratic Party and to the projected Clinton Library. Marc Rich is a multi-millionaire, gained from an oil scam with Iran

during the hostage crisis. Mayor Giuliani professed himself to be dumbfounded when he heard what Clinton had done. He said, "No President would pardon a fugitive. No President would ever pardon someone on the FBI's top number one list for a long, long time." But, of course, William Jefferson Clinton did. He also pardoned his "half-brother, his former business partner, and an extraordinary collection of miscreants...." (Stephen B. Presser, "The Presidential Pardons," *Chronicles* [April, 2001], p. 8.)

Clinton also saw to it that he was cleared of pending cases against him. Robert Ray, appointed Independent Counsel to displace Kenneth Starr, and haul off the leavings from that investigation. Ray promised that he would not prosecute Clinton for Whitewater and assorted other alleged activities. Moreover, the President said, "Today I signed a consent order in the lawsuit brought by the Arkansas Committee on Professional Conduct which brings to an end that proceeding. I've accepted a five-year suspension of my law license, agreed to pay a \$25,000 fine to cover counsel fees, and acknowledge a violation of one of the Arkansas model rules of professional conduct because of testimony in my Paula Jones deposition. The disbarment suit will now be dismissed."

Robert Ray announced after Clinton made his announcement that "President Clinton has acknowledged responsibility for his actions. He has admitted that he knowingly gave evasive and misleading answers to questions in the Jones deposition and that his conduct was prejudicial to the administration of justice."

It is doubtful, however, that we have heard the last of the Clinton's misdoings. In fact, we know we haven't. They have already plundered the White House of some of its furnishings. On top of that, Clinton had made so bold as to rent an office in Manhattan at such an outrageous price, and at government expense, that he has already agreed to rent a much less expensive office in Harlem. And, when last heard from, Mrs. Hillary Rodham Clinton's ratings in the polls were plummeting.

We can hope and pray that better days lie ahead for the country. The news from Washington is thus far upbeat about President Bush. If he is a man of honor, if he is honest, if his word can be depended on, if he is a patriot, and surrounds himself with people of like

character, we could ask for little more, except the restoration of the great principles and ideals of the Republic.

Glossary

Absentee Ballot—a ballot sent by mail by a person who is to be absent from his place of voting on the day of election.

Affidavit—a written declaration upon oath, especially one made before a qualified official.

Affirmative Action—a program of preferential hiring of those in particular minority groups who are alleged as a group to have been discriminated against generally by past hiring practices.

Allegation—an assertion made before offering proof, a statement made by a party to a legal action of what he will attempt to prove.

Arbitrager—one who buys securities or other commodities who knows or suspects—sometimes on the basis of inside information—that the price is about to rise. Arbitragers could and did sometimes make huge profits in stock involved in hostile takeovers. In any case, the arbitrager buys in the expectation of selling quickly for a substantial gain.

Autocrat—one who rules without restrictions on his power, an absolute ruler. In the mid-20th century, he would have been called a dictator. There was one difference, however; an autocrat was usually a hereditary monarch. The term is also used more loosely to refer to one who controls people arbitrarily.

Bankruptcy—a condition in which an individual or company cannot pay their bills in a timely manner. They lack the funds to meet their scheduled payments. Bankruptcy courts may declare them bankrupt on the motion of the bankrupt or of their creditors. A variety of actions are then open to the courts.

Cause Celebré—French for a legal case about which much ado was made, as, for example, the O. J. Simpson case. More broadly, it can refer to any kind of event or happening which catches the popular imagination.

Chad—the paper from a punch card. In voting, it is supposed to be punched out. If not, machines will not ordinarily count it as a vote. In the 2000 election there were attempts to determine by hand counting by the condition of the chad whether or not it indicated a vote. Thus, there were references to dimpled chads, hanging chads, and the like.

Claque—people hired or appointed to applaud a speech or performance. It may also refer to any group of persons who stand ready to support with applause or indications of acclamation some person or position.

Conglomerate—a business organization which produces diverse goods, not similar to one another, as, for example, gasoline, bread, videos, and automobiles.

Contempt—disobedience to, or open disrespect for the rules or order of a court or legislature, or an act showing such disrespect.

Controversial—debatable, subject to dispute, a matter about which there are differing opinions. That is straightforward enough, but the word has become a term of art for the liberal media, especially television. Generally speaking, only conservative positions are labeled controversial, and thus must be discussed by both liberals and conservatives. Whereas, liberal positions—which may be equally debatable—are rarely labeled controversial. Thus, conservatives don't get a whack at them.

Cynicism—sarcastic, satirica, holding a low opinion of mankind, a habitual disposition to look on the dark side of things, a disposition of some people.

Debrief—to interrogate to obtain useful information, such as from someone who has been imprisoned by some foreign government, or to instruct not to reveal any classified information after release.

Democratism—an ideology or doctrine which posits democracy as the acceptable goal and democratic arrangements as being an unquestioned good. Thus, for those who took at the matter this way, democracy does not simply describe an electoral or decision making system, but it has imputed magical or redemptive qualities. To be democratic tends to become the highest earthly, if not heavenly, goal.

Denizen—refers to anyone residing in or inhabiting an area, as, for example, the denizens of the inner city.

Deployment—to send or spread out troops on an extended front. It may also refer to the original act of disposing troops in a foreign country.

Deposition—giving of testimony under oath, a statement under oath, taken down in writing, to be used in court in place of the witness.

Dissent—a more or less vigorous disagreement with some position or opinion. Dissents may be momentary or passing opinions, or they may be the grounds for forming groups and parties.

Dissident—one who disagrees with the prevailing authorities in a country. It was a term frequently applied to outspoken opponents of Communist regimes in the 1970s and 1980s, but it is equally well applied to outspoken opponents of any repressive regime.

Ebullience—overflowing with fervor, brimming with excitement, carried away with what has happened.

Elite—persons who rule or dominate on the basis of their assumed superiority. Their position may be based on their standing in the community, their education, their wealth, or simply their air of superiority. Rhodes scholars, for example, constitute an elite in the United States and are often found in high governmental positions.

Environmentalism—an ideology which supports the preservation of the integrity of natural environments. Probably, most thoughtful

and caring people are opposed to polluting the environment and take care to clean up their messes when they make them. But environmentalists tend to go much further than that. They often seek their goals without respecting private property and tend to have a positive anti-business attitude.

Epistemology—that branch of philosophy which deals with the nature and grounds of knowledge, its limits and validity. What we can know and how we can learn it are the subject matter of epistemology.

Ethnic Group—refers to groupings of people, racially or culturally related to one another, as, for example, in Chinatown in New York City.

Ethnocentric—a focus upon one's own ethnic group, its ways, beliefs, language and outlook to the extent that other ethnic groups are ignored, excluded, or avoided. We say that a person is self-centered who focuses all his attention on himself. Ethnocentrism is a similar attitude extended to one's own ethnic group.

Executive Privilege—information exempt from disclosure in the executive branch of the government because its disclosure would hinder the working of the government.

Feminism—a doctrine or ideology which holds that women are or should be equals with men, that they can perform most jobs in the workplace as well as men, that significant differences between men and women are culturally derived, that women have historically been subjugated to men, that women have been victimized and stand in need of being liberated.

Feudalization—to break up into many political groupings; it is also sometimes called Balkanization.

Free Agency—a practice in professional sports of permitting players from time to time to go on the open market and offer their services

to the highest or best bidder. This has led the owners to try to set some sort of salary cap.

Glasnost—a Russian term which came into international use during the rule of Mikhail Gorbachev. In practice and as a policy, it entails the removal of government censorship, the publication of a much wider range of opinion, and more freedom of religion.

Grand Jury—a large jury with investigative powers, usually operating in secret, and empowered to determine if crimes have been committed.

Impeachment—to accuse a public official of misconduct (in Congress or a state legislature) the presentation of formal charges against a public official, trial to be before the upper house.

Independent Counsel—a lawyer in the employ of the United States government, but not under the control of the President or executive branch of the government.

Indoctrination—the practice of teaching doctrine or principles. Relativists have made indoctrination a bad word, but it is several steps higher than the propagandizing which relativists are left with.

Innovation—the introduction of something new, a new idea, method or device.

Irrationalism—the view that reality is basically irrational, that it is not reasonable, not logical, is not inherently orderly, and is ordinarily unreasonable. To speak of irrational philosophy is a contradiction in terms, however.

Linguistics—the study of human speech, including the units, nature, structure, and modifications of language.

Malefactor—a lawbreaker, an evil and dissolute person.

Mandate—the instruction given to the President, his party, or the members of Congress by their election. It is supposed that the size of the electoral majority determines whether or not and to what extent the elected official is said to have a mandate.

Martial Law—imposed usually when local law enforcement is inadequate to the task of maintaining the peace. It permits the bringing of military force and the imposing of order by force.

Materialism—a philosophy or ideology that is based upon the belief that reality is primarily material, that it is composed of matter, its combinations and motions. Spiritual and mental phenomena are believed to spring from the material. Modern thought is generally deeply under the sway of materialism.

Millennium—a period of a thousand years, of, or pertaining to the anniversary of a thousand years.

Miscreant—depraved, villainous or base, a vile wretch, or villain.

Misogyny—the hatred of women.

Modicum—a small amount of something.

Multi-culturalism—the position that the United States has diverse cultures which should all be considered equal. The doctrine is aimed mainly at downgrading the dominant European, mainly English, culture that generally prevails in the United States. It down-plays Christianity, Western Civilization, and traditional institutions of the United States, emphasizing minority cultures instead.

Multi-lateral—participated in by more than two nations; it is a tendency away from the emphasis on national sovereignty.

Nazi Culture—a cult following built around Adolf Hitler, belief in the supremacy of Hitler, given to violence in your life and ways.

Non-delegation Doctrine—a doctrine formulated by the Supreme Court that circumscribes the ways in which the legislative powers of Congress can be delegated.

Obstruction of Justice—the placing of obstacles or making hindrance to the attainment of justice, an illegal impairment of access to the means of getting justice.

Obfuscate—to confuse or stupefy, to darken or obscure.

Ontology—a branch of philosophy that deals with the nature of being, and how beings specifically differ from one another. It explores the categories to which different orders of beings belong and the principles that apply to them. The neglect of ontology allows confused conceptions to spread and take hold.

Overbearing—to treat in a domineering manner, dictatorial, haughtily or rudely arrogant.

Parochial School—an elementary or high school operated by a religious body. The phrase has usually been used to refer to Catholic schools. Evangelical Protestants usually describe theirs as Christian schools.

Partisan—an adherent to a party or cause. The term has especially been used as a label for rebels in a civil war, or the forces fighting against an occupying army, as, for example, the French Partisans fighting the Nazis in France during World War II.

Pedagogy—the rules of teaching, its practice, its task, and its function. The term is not much used any more, having been absorbed and presented as “education” or called by those not under its sway, “educationism.”

Perestroika—a Russian term which means to restructure or make structural changes. This idea was advanced by Mikhail Gorbachev and resulted in drastic political changes throughout the Soviet empire.

Perjury—the wilful utterance of a false statement under oath or affirmation before a competent tribunal, upon a point material to a legal inquiry.

Philosophy—the study that attempts to make a comprehensive description of reality, of what it is basically, how it can be known, what its branches are, and what are the principles by which it operates. A philosophy is ordinarily tested by the consistency of its principles and how adequately it accounts for what is experienced or otherwise believed to be known. Inner contradictions are supposed to invalidate a philosophy.

Patriarchy—a system of organization in which the father is the head of the family, and the line of descent or the family name is also usually in the male line.

Potentiality—possessing the possibility of being or doing something. It is a capability which may or may not be developed. For example, man has the potential to reason, though he may or may not use it.

Pyramid Scheme—a scheme that usually results in those who are first in line at the top of the pyramid getting the lion's share of the proceeds—a get rich at the expense of others down the line scheme. Laws usually forbid such schemes by private entrepreneurs. On the other hand, the social Security, operated by the federal government, is a pyramid scheme, because it does not tie benefits to contributions.

Quarantine—a state of enforced isolation of people or goods to protect the general population from communicable diseases, or in the case of plants or fruit from being endangered. In earlier times, persons with tuberculosis were sometimes isolated from the general populace until they were better or had been cured.

Quota—that part of the whole which rightfully belongs to an individual. The idea has come into political usage by trying to estab-

lish the rule that minorities should have jobs in particular undertakings in some sort of proportion to their percentage of the general population. The other side of that is that it implies reverse quotas for majorities, limiting what portion of them may be employed.

Racism—a doctrine or ideology based on the claim that racial attributes determine ability and behavior that makes the members of some races superior and other races inferior. This idea then may be used to accord special privileges to the superior race and underprivilege to the inferior races. In general usage, however, the term is ill defined and more often used to demonize whites than anything else.

Rationalization—to construct a plausible explanation for behavior that is motivated by unconscious or unadmitted desires or fears. Modern psychology, esp. Freudian, tends to be premised on the view that behavior is irrationally driven. Thus, all rational explanations of behavior are viewed as rationalizations, though how this could be proved is not clear.

Reactionary—one who reacts rather than responds by refusing to consider proposals to changes in the *status quo*. Thus, a goodly number of American intellectuals turn reactionary when proposals are made to withdraw American troops from Europe or American membership in NATO. They engage in name calling—i.e., that the person is an isolationist—than responding with reasons. This is typical reactionary behavior.

Remand—to send back a case to a lower court from which it was appealed with instructions as to what further proceedings should be had.

Sexual Orientation—refers to the sexual inclinations or preferences of people. That is, whether they are heterosexual, homosexual, lesbian, or what have you?

Staré Decisis—to let the decision stand. It is a legal position that judges should follow rules and decisions laid down in earlier times in interpreting the law unless they are found to be in error.

Subornation of Perjury—to bribe or procure a person to unlawfully commit an act of perjury.

Subpoena—the usual device for summoning a witness to testify before a jury, a hearing, or other legal proceeding.

Testimony—at law, it means the statement or declaration of a witness under oath or affirmation, usually in court. It also covers evidence in support of a fact or statement.

Transcendent—beyond or above ordinary experience, above the earthly realm. For example, to say that God is transcendent, or that one believes in a transcendent God, is to say that He is above and beyond the things of this earth.

Unctuous—excessively, smooth, suave or bland, having an oily or soapy feel.

Warsaw Pact—a treaty or agreement formed in 1955 by the eastern European countries—Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania—to counter NATO. In the main, they joined together for their common defense under the domination and committed aid of the Soviet Union.

Voyeurism—the habits of a person who is sexually stimulated by looking through windows or other openings at unclothed people. The violation of the privacy of others is apparently part of his perversion.

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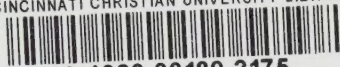
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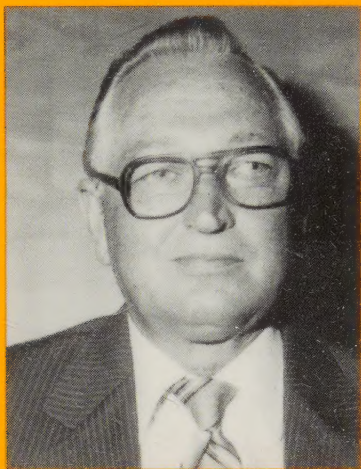


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